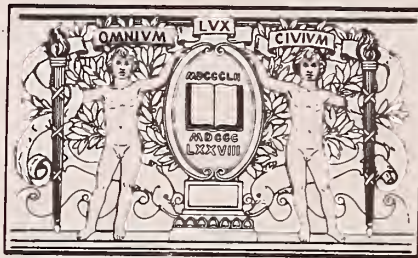


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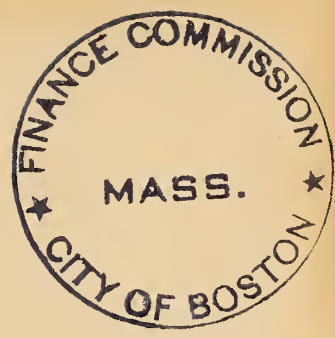


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# REPORTS OF PROCEEDINGS

OF THE

# CITY COUNCIL OF BOSTON

FOR THE YEAR

COMMENCING JANUARY 3, 1939, AND ENDING DECEMBER 30, 1939



CITY OF BOSTON  
PRINTING DEPARTMENT  
1940



# INDEX

TO THE

## CITY COUNCIL PROCEEDINGS

FOR

THE YEAR COMMENCING JANUARY 3, 1939, AND ENDING DECEMBER 30, 1939

### "Abe Lincoln in Illinois" Week

preambles and resolutions that the Mayor issue proclamation of welcome to management and cast and that October 23 to October 28 be Abe Lincoln week asking all who can to see the valuable addition and incentive to patriotism, referred to committee on rules, 447

### Agnew, James E., Councilor, Ward 21

ward area: Brighton, south

committee appointments:

executive, appropriations, finance, jitney licenses, public lands, rules, 35

constables, unclaimed baggage, chairman, 57

committee resignation: from appropriations, 120

improvements, Ward 21:

FOR DETAILS: see Streets, Squares, Circles, names

ALLSTON BRIDGE: resurface, at Linden, Cambridge and Lincoln sts., 37 (with Councilor Sullivan)

Ashby st., 462

Bay State rd., 462

Brighton ave., 225

Granby st., 462

Harvard ave., 225

LaRose pl., 222

motions:

confirmation of executive appointments, 60

Councilor Norton's statement *re* dog track, Hyde Park, 39

reorganization of departments, 272

reports of committees: EXECUTIVE, 247, 502

tenth and final ballots for Council President, 26

use of electricity, new court house, 222

orders:

offensive magazines, 300

protection for children, Muddy river, 74 (with Councilors Carey and Chase)

shelter, Beacon and St. Mary's sts., 411

points of information:

liquor licenses near churches, 433

public hearings on Federal housing, 302

report of committee on prisons, 492

points of order:

confirmation of appointments, January 23, 45

reports of committees: EXECUTIVE, 330

reconsideration: reports of committees: EXECUTIVE, 319

remarks:

confirmation of executive appointments, 60

Councilor Norton's statement *re* dog track, Hyde Park, 39

final proceedings, 502, 503

offensive magazines, 300

public hearings on Federal housing, 302

reports of committees: EXECUTIVE, 52, 53, 276, 318, 319, 478, 479

speakers at ward hearings on housing projects, 304

traffic lights, 484

roll call: reports of committees: EXECUTIVE, 318

vote doubts: public hearings on Federal housing, 301

### Air Compression Hammering

Boston transit commission to be requested to plan to have such hammering on the W. P. A. subway project on Huntington ave. cease at 10 p. m., order passed, 87—message, communication, 102

### Aliens and Citizens

number in Boston: order for statistics department to secure and submit information to Council, passed, 87, 88

### Ambulance Chasing

known solicitation of cases, information requested, order passed, 296—report of finance commission received, 408, 409

### American Legion Highway

Finance Commission report: received, filed, 258, 259

grass plot: kept in condition to prevent growth of ragweed, order passed, 261

### Amount City Can Borrow

report of sinking funds commission filed, 73

### Annual Address by the Mayor

Boston Elevated problem, 1; city and state relations, 3; finances, 1; finance commission, 6; fire department, 6; health and hospital departments, housing, 6; highway fund, 4; industry and conventions, 6; metropolitan Boston, 7; real estate, 4; relief, 5; school department, 6; supply department, 6; 1939 tax rate, 5; conclusion, 7, 8

### Annuities and Pensions

see Pensions and Annuities

### Apartment Houses

garage facilities provided by builders, order to consider passed, 470—message, communication, 474

### Appeals Board

member appointed: A. Francis O'Toole, *vice* John C. MacDonald resigned, designated by Building Trades Council filed, 73

### Appointments and Elections

APPELLATE DIVISIONS and designations of members of Administrative Committee of District Courts, assignment of judges, filed, 441

BARRY, GERALD A., as inspector of housing and sanitation in Health Department, 490

BIRD, LIEUT. GEORGE H., as keeper of city lock-up to August 31, 1940, 387

CAHALAN, JOSEPH A., as secretary of health department until further notice, 497

CALLAHAN, TIMOTHY J., as second assistant assessor, 360

CONNELLY, ISABEL C., as overseer of public welfare, 360

CORCORAN, MICHAEL H., as member, sinking funds commission, 467

DAILEY, WILLIAM F., as overseer of public welfare, 360

## Appointments and Elections, Continued

DONOGHUE, JOHN A., appointed to street commission to January 1, 1942, 105

DOWLING, FREDERIC E. (Republican), member of election commissioners to March 31, 1943, 177

DOYLE, DR. ROGER T., as trustee of Boston city hospital to April 30, 1941, 258

DUFEE, WILLIAM A., as member of board, sinking funds commission, to April 30, 1941, 467

DYSART, ROBERT, as trustee of statistics department, notice filed, 441

FARRELL, EDWARD, as health department collector of samples, 360

FITZGERALD, JOHN F., as member, Boston Port Authority, 461

FRIEDMAN, SOPHIE M., as overseer of public welfare, 360

GOOKIN, MRS. MARGARET J., elected vice chairman, public welfare department overseers, *vice* John J. Walsh, notice received, 374

HAFFENREFFER, THEODORE C., as member of park commission to April 30, 1943, 467

HANIGAN, JOHN E., as member, sinking funds board, to April 30, 1941, 467

HERLIHY, ELISABETH M., to city planning board to April 30, 1939, *vice* Frederic H. Fay, resigned, 44; as member, city planning board, to April 30, 1944, 467

KING, JAMES E., appointed chairman of statistics department to January 30, 1941, 105

KIRSTEIN, LOUIS E., as library trustee to April 30, 1944, 258; as member Boston Port Authority to 1946, 461

MCCARTHY, J. JOSEPH, as acting sealer of weights and measures, 360

MCCARTHY, JAMES J., as acting superintendent of printing department, formerly city treasurer, 429

MCCARTHY, JOHN T., as overseer of public welfare, 360

MCDERMOTT, JAMES F., as clerk of court, Superior Court civil business, appointed by the Governor, 461

MCGILLICUDDY, DANIEL P., as member, transit department, to April 30, 1942, 258

MCMAHON, GEORGE F., elected February 14, 1939, to unexpired term of John F. Dowd, resigned, to become Suffolk County sheriff, 89

MCMAHON, GEORGE F., appointed to fill vacancies in appropriations, finance and public safety committees caused by resignations of Councilors Agnew, Taylor and Kerrigan, respectively, 120

MOTLEY, WILLIAM A., JR., appointed chairman of election commissioners (Democrat), 177

O'CONNELL, PATRICK A., as member, board of sinking funds commission, *vice* William Spottiswoode, resigned, 467

O'HARE, WILLIAM G., secretary and executive director, public welfare board, at \$6,000 per year, 242

O'TOOLE, A. FRANCIS, board of appeals, *vice* John C. MacDonald, resigned, designated by Building Trades Council, 73; as member of board of appeals, 360

PAPPAS, THOMAS A., member, board of Boston Port Authority, 461

PARKER, GEORGE A., as trustee, Boston city hospital, to April 30, 1944, 258

PARKER, WILLIAM STANLEY, to city planning board, *vice* Frederic H. Fay, resigned, 44

RAND, STUART C., as trustee, Boston city hospital, to April 30, 1943, 258

SASSERNO, JOSEPH H., to public welfare board to fill vacancy, 73; as overseer of public welfare, 360

STOREY, CHARLES M., as member and chairman of finance commission by Governor Saltonstall, 461

SULLIVAN, FREDERICK R., as Suffolk County sheriff, *vice* John F. Dowd, 467

SULLIVAN, TIMOTHY L., as Workmen's Compensation Agent for City and Suffolk County as concerns Boston, 241

TOBIN, RICHARD F., as graves registration officer attached to soldiers' relief department appointed to December 31, 1939, 24

WALSH, JOHN J., principal assessor to March 31, 1944, 177; as overseer of public welfare, 360; elected vice chairman in public welfare department, *vice* Clifford P. Warren, notice received, 374

WHITE, EVA WHITING, as overseer of public welfare, 360

WILEY, EDWARD H., as overseer of public welfare, 360; elected treasurer, 242

## Appropriations

**Armory expenses:** \$7,000 special items from income from Commonwealth under sec. 31, chap. 33 of General Laws, order referred to executive committee, 490-passed, 490

**balance appropriation:** \$13,479,619.95 with dissenting suggested reduction of \$479,619.95, referred to executive committee, 306 to 311, inclusive—with amendment referred to executive committee, 313, 314—passed as first offered, 321

**Boston Housing Authority:** message with order for \$25,000 for running expenses and three other divisions referred to executive committee, 270, 271

## Appropriations, Continued

"City Record" report of appropriations committee and order for \$3,700, passed, 185

**current expenses, \$5,685,478.91:** report of committee on appropriations and order for expenses and salaries, passed, 184, 185

**highway fund balance:** \$1,194,300, message, order for \$800,000 for personal service in paving service, snow removal, \$369,300 and \$25,000 for reconstruction of streets, referred to appropriations committee, 170-report, 251

**\$87,550.05, Long Island institutions:** message and order, from available balances, referred to executive committee, 466-passed, 468

**lump sum budget:** \$40,406,309.58 city and \$3,813,910 county with \$2,050,000 from revenue departments, referred to appropriations committee, 41, 42

**mosquito control:** \$300 due as city's share of expenses, order referred to executive committee, 14-passed, 18

**\$100,000 for traffic signals:** by loan for installation by traffic commission, order referred to finance committee, 483, 484

**snow removal:** \$25,000 referred to executive committee, 261-passed, 262—message and order referred to executive committee, 312

**Social Law library, \$1,000:** order passed, 493, 494

**street reconstruction and maintenance, \$394,300:** order referred to executive committee, 261-passed, 262

## Appropriations Committee

**members:** Councilors Chase, chairman, Shattuck, Carey, Norton Rosenberg, Agnew, Langan, 35—Councilor McMahon appointed *vice* Councilor Agnew, resigned, 120

**reports:** 184, 185, 207, 251, 313

## Art Commission

**member appointed:** Robert P. Bellows, term ending April 30, 1944

**Lincoln statue:** cleaned thoroughly, located in Park sq., to be done as W. P. A. project, order passed, 263

## Assessing Department

**abatement on property:** taken by eminent domain proceedings to valuation not in excess of appraisal, order passed, 390

**abatements and refunds:** list of those involving \$10,000 or over in 1937 abatements and \$200 or over cash refunds to be published in *City Record*, order passed, 484

**attendance of assessors at meeting:** January 23, 1939, order passed, 26

**betterment assessments:** on adjacent property incident to street construction, pages 330, 331, 1938 Proceedings—report filed, 15, 16

**drop in valuation of property in city:** order for complete report in re reasons for drop and names and addresses of property owners securing tax abatements and reductions in valuation, exclusive of widows' abatements, passed, 157

**filing cabinets:** for department records, order passed, 79, 80

**information requested:**  
*in re* amount and location of real and personal assets of Eastern, Massachusetts Street Railway Company, order passed, 322  
 total assessed value of thirty real estate parcels adjacent to Old Harbor Village on January 1, 1938, and January 1, 1939, order passed, 363  
 under seven heads, order passed, 207

**no increased valuation without warrant:** Ward 20 local assessors requested not to increase, order passed, 448

**reduction of rates on home mortgages:** from 5 to 4 per cent during amortization payments, order passed, 135

**total value, 1928 and 1938:** assessed value of property in Boston, order for information passed, 156—message, communication, 174

**Ward 20 homes:** order, page 399, 1938 Proceedings—message, communication, 68

**widows and welfare tax abatements:** transfer from assessing board to public welfare department power for granting abatements, order referred to executive committee, 202, 203

## Auditing Department

**National Fireworks Company:** withhold payment of fireworks bills for Playstead rd. and Savin Hill playground displays until known damages to property have been reimbursed, order passed, 348

**State roadwork check:** of over one million dollars during 1938, order for information as to disposition of check received from State, passed, 165—message, communication, 171

## Automobile Insurance Rates

equalization in all communities, resolution passed, 430, 431



### Aviation Training Courses

in high school in addition to present curricula, order for school committee to make arrangements, passed, 192—message, communication filed, 253

### Babcock Coal Company

law department to seek reimbursement for improper fuel furnished welfare recipients during former mayor's term, order passed, 349—message, communication, 383

### Bank Night

order for law department to furnish to City Council opinion of legality of "bank nights," passed, 410—message, report, 426

### Barry, Commodore John

resolution favoring legislation before United States Congress for erection of suitable statue to Father of American Navy and favoring presentation to Republic of Eire, his mother country, resolution passed, 329, 330

### Bill in Equity

for stockholder in Boston Elevated Railway Company brought to Supreme Judicial Court, order for law department to act on grounds of mismanagement, fraud and insolvency jeopardizing finances of City, referred to executive committee, 317—passed, 318

### Blue Hill Avenue Safety Islands

information relative to legislative action on order, pages 30, 301, 344 of 1938 Proceedings—order for information, passed, 155

### Board of Public Utilities

**underground wiring:** Corporation Counsel and Board to confer *in re* placing wires underground, order passed, 226

### Bond Approvals

**Boston American League Baseball Company** bonded by Indemnity Insurance Company of North America, 152

#### constables:

Adams, John J., 291  
 Belson, David, appointed, 169—approved, 327  
 Bennett, Joseph L., 291  
 Byrnes, Arthur E., 44  
 Callahan, Edgar F., 291  
 Daunt, John J., 291  
 DeSimone, Americo A., 441  
 Donlan, Robert E., 291  
 49 bonds received, 241, 242  
 Gildea, Francis W., 291  
 Goldkrand, Samuel, 340  
 Greenbaum, Harry, 360  
 Hecht, Abraham M., 387  
 Hegarty, Richard, Solomon Gorfinkle, Frank Mitchell, Michael Ober, Francis Tobin and Sidney William, 291  
 Keliher, James P., 73  
 Maffei, Salvatore, 453  
 McCorkle, William J., appointed, 169—approved, 327  
 McNamee, James J., 461  
 Mullen, Bernard M., 271  
 19 names approved, 258  
 Ober, Edward, 271  
 Oppenheim, Bert, 271  
 Peters, James G., 271  
 Sarno, Almerindo, 271  
 Schrank, Jacob E., appointed, 169—approved, 327  
 Small, Henry J. D., 271  
 Small, Leon, 271  
 Staula, Frank J., 271  
 Stewart, Walter J., and Aber Uckerman, 313  
 Wragg, John A., 271

**M. & R. Construction Company:** received from Metropolitan District Commission, 475

**National League Baseball Club of Boston, Inc.:** bond and approval, 159

### Boston & Albany Railroad Company

petition for driveway opening, 112—granted, 135

### Boston College Football Team

preamble and resolution that City Council record its desire for "Bowl" contest, referred to rules committee, 484

### Boston Consolidated Gas Company

order to compel company to live up to terms of agreement for street lighting, 378—message, communication, 397  
*see* Gas Rates, 418, 419

### Boston Elevated Railway Company

**Allston-Dudley st. line traffic survey:** for improvement of service, order passed, 35—message, communication, 69, 70

**appraisal of finances:** honest and competent appraisal of assets and tangible properties of company, order for finance commission to make, passed, 137

#### Atlantic ave. structure:

order for demolition by W. P. A. project unless removed by Boston Elevated Railway, referred to executive committee, 114, 115—passed, 122  
*see, also*, 204, 205, 376

**audit of books:** Metropolitan Transit Commission to assure independent and detailed investigation *in re* probable illegality of deficit charged to city, order passed, 205, 206

**cashier, Columbia station:** order page 423, 1938 Proceedings—message, communication filed, 16

**conference of public works and street commissioners and Boston Elevated trustees to reconstruct Blue Hill ave. for relief of traffic hazards,** order passed, 137

**curtailment of zones:** for five-cent fares, Council resolution opposing, passed, 447

**deficit payments:** suspension of further payments until so ordered by Supreme Court, order passed, 242

**electric fans:** in subway trains during summer months, order to install, passed, 314—message, communication, 338

**escalators, Northampton and Ashmont terminals:** order for installations, passed (2 orders), 19—message, communication, 58

**estimate amount of revenue lost:** by allowing out-of-town lines to invade city proper, order passed, 94, 95—message, communication, 131 to 133

**finance commission report:** received, filed, 291, 292, 326, 327

#### five-cent fares:

on cars at any hour during summer months, order allowing to children, passed, 332, 333—message, communication, 352

law department to confer with public utilities department relative to abolishment or curtailment of fare zones, order passed, 441, 442, 443

order to rescind Elevated decision to discontinue five-cent fares on seven routes, passed, 450

order to hold public hearing on proposed reduction of fare zones, passed, 443

reconsider recent action, order passed, 443

suspension until public hearings can be held, order for conference of the Mayor and public utilities commission, passed, 454

throughout city rescission of recent action nickel fares on several lines suspended or shortened, order passed, 441

**Green st. station:** glass inclosure at bus stop, order passed, 64—message, communication, 104

**guaranteed dividends:** discontinuance, resolution favoring legislative enactment referred to executive committee, 119

**hand-straps for standees:** order for in buses, passed, 105, 106

#### increased service:

bus line from Egleston sq. to Allston station, order passed, 388

bus operation on Sundays and holidays order (no action taken), 209

extend Dudley-Heath sts., bus line to Allston, order passed, 387

Egleston sq. to Green st. station, order passed, 300

Green st.-West Roxbury line, survey to improve bus service to end twenty minutes to half hour wait, also to consider extending present line to Forest Hills, two orders, passed, 64, 65—message, communication, 101

Jamaica Plain line, Park st. to Arborway, 34—message, communication, 69, 70

Jamaica Plain line, Dudley st. terminal to Arborway, 35—message, communication, 69, 70

Savin Hill station to City Hospital on Sunday, order passed, 136—message, communication, 177

**information:** *in re* order of June 12, 1939, pages 204, 205, 349, 350, 376, order passed, 486

**legality of payments for deficits:** the whole debt situation (2 orders) to be tested by case brought by law department, and a definite decision by Supreme Court, amendment adopted, 186, 187, order passed, 187, 188—motion for reconsideration refused, 188

**loss to Elevated through allowing out-of-town bus lines to operate in down town section,** order for information, 93, 94—passed, 95

**95th track location:** on Washington st. North at Causeway st., 374

## Boston Elevated Railway Company, Continued

- North-South stations shuttle:** consider operating shuttle connecting outgoing and incoming Nantasket Steamship line at Rowe's wharf, order passed, 300—message, communication, 334, 335
- number using Ashmont terminal:** order to advise the Council the total number using terminal during 1938, passed, 86
- one-man street car curtailment:** trustees requested not to extend use, order passed, 121
- petitions for licenses to operate:** *see* busses, operation license petitions
- relocation of Blue Hill avenue tracks to American Legion Highway,** order for information *in re* legislative enactment, order passed, 120, 121—message, communication, 126
- removal of tracks, orders passed:**  
on Dorchester ave., Peabody sq. to Gibson st. and substitution of adequate bus service, 25—message, communication, 58  
on Savin Hill ave. and Stoughton st., Dorchester, order passed, 107—message, communication, 143
- report from Manager and President:** 23
- rescission of five-cent fare discontinuance:** order to rescind five-cent fare discontinuance on seven routes, passed, 450
- resolution favoring legislative enactment placing railway under public ownership as suggested by the Public Utilities Commission,** referred to executive committee, 80
- shelter station, Beacon and St. Mary's sts.:** order to erect, passed, 411
- Centre st.:** erection opposite Faulkner hospital, Ward 19, order passed, 64—message, communication, 101
- Columbia rd.:** at Upham's corner as protection against weather, order passed, 395—message, communication, 415, 416
- stairway, City sq.:** extending stairway to sidewalk for passengers' safety, order passed, 411
- track locations:** 313, 374, 461, 475
- two men operated cars:** on Egleston, Mattapan and Blue Hill ave. lines, order passed, 120
- voice amplifying apparatus:** in elevated and subway cars announcing stations, order passed, 346
- waiting booth Blue Hill ave., and Seaver st.:** order to construct, passed, 80—message, communication, 130

## Boston Elevated Structure

- building department to comply with previous orders March 6 and April 24,** pages 114, 115, 122, 204, 205 (for demolition), order referred to executive committee with request for presence of building commissioner, 261—message, communication, 236, 237
- conveyance to city:** for construction of highway improvements, message and resolution referred to executive committee, 71, 72—referred to legislative committee, 79
- corporation counsel report:** 344, 345
- demolition, Atlantic ave. structure:**  
condemnation and demolition as W. P. A. project unless removed by Boston Elevated Railway Company, order referred to executive committee, 114, 115—passed, 122  
four orders passed, 204, 205, 206, 349, 350, 376  
legal right to condemn or assure demolition by city, order for information from law department, passed 297  
order for information *in re* previous orders passed, 436  
preamble and resolution for demolition by State Public Works Department or Elevated Company, passed, 114, 115, 122  
resolution for condemnation referred to executive committee, 115—passed, in new draft, 122  
substitute order for House Bill 116, passed, 349, 350; order for information *in re* above order passed, 436
- finance commission report:** 340, 341
- statement by Councilor Wilson:** *in re* substitution of Council order for House Bill 116, 364
- substitute bill for removal of structure:** law department to substitute suitable bill for House Bill 116 of 1939, order referred to executive committee, 317—passed, 318

## Boston Firemen's Relief Fund

- annual report to August 31, 1939:** from treasurer of Fund, filed, 467

## Boston Housing Authority

- access to books, records, etc.:** relative to all housing activities of Boston, order referred to executive committee, 296—passed, 304
- appropriation:**  
emergency fund, \$50,000 to be expended by public welfare department for moving ejected families in housing areas, order referred to executive committee, 302

## Boston Housing Authority, Continued

- appropriation:**  
law department to act to have city reimbursed by authority for \$50,000 expended for moving purposes, order referred to executive committee, 302  
message with order, under four heads, for \$25,000, referred to executive committee, 271  
for moving families receiving notices to vacate under eminent domain, taking of property, order passed, 297, 298  
\$20,000 voted by Council February, 1938, amount of reimbursements for 1938 service charges, order for detailed schedule passed, 221, 222
- architectural services:**  
city officials, army engineers or Boston citizens given preference, order passed, 12  
order requesting response to orders, pages 494, 495, order passed, 500  
submission of list of all architects awarded contracts on Federal housing projects and the total amounts paid or agreed to be paid, order passed, 494, 495
- beach in Charlestown:** from Mystic to Chelsea sts., establish beach for tenants of Charlestown housing unit, order for park department and housing authority to cooperate, passed 275, 276
- bonds:** taken out against incidents of property takings by eminent domain, order for information, passed, 475
- building law of city:** compliance with law in proposed projects, order passed, 47—message, communication, 68
- cessation of eminent domain proceedings:** until November, 1939, election where voters may express preference in plebiscite incident, order referred to executive committee, 315, 316—message, communication, 393
- cooperation agreement:** between Authority and City on October 25, 1938 to be amended, referred to executive committee, 215—report with new amendment order as amended, passed, 479, 430, 431, 432, 433
- copies of laws applicable:** law department to furnish to Clerk of Committees of Council, order passed, 316
- data requested:** under five heads, order passed, 316
- dates of hearings in wards:** remarks by Councilors Wilson and Galvin *in re*, 304
- demolition labor:**  
appoint special committee for conference with union, authority and contractors *in re* use of citizens, order passed, 391  
due to scarcity of suitable houses, order not to entirely demolish area until some new houses are built, passed, 346  
for Boston residents and American citizens, order to insist, passed, 391
- demolitions halted:** in Mission Hill because of unfair appraisals until impartial board considers, order referred to executive committee, 295, 295—passed, 304
- eminent domain land takings:** communication from Authority *in re*, filed, 429
- extension of Federal housing:** plebiscite order, pages 301, 302 for referendum for 1939 voting at election *in re* approval or disapproval of Federal housing in Boston, order passed, 404—message, communication, 412, 413, 414
- hospital clinic, Old Harbor Village:** order to establish, passed, 60—message, communication, 102
- information:**  
from assessing department under five heads, order passed, 403, 404 from Authority under three heads, order passed, 403, 404  
real estate dealings and report of operations during 1938 required by Acts of 1938, chap. 434, sect. 26EE, order passed, 364  
under four heads, order passed, 390  
under nineteen heads, order passed, 298, 299  
under three heads from law department, procedure for removal of tenants, after notice and illegal removal of permanent fixtures by tenants, order passed, 315
- list of owners of property:** taken by Housing Authority for four new housing projects with dates of acquisition by present owners together with mortgages, orders passed, 90
- Old Harbor Village site:** amount paid, order for information, passed, 364
- operating cost of Old Harbor Village:** to December 31, 1938, profit or deficit, order to advise the Council, passed, 249
- options commissions:**  
if authorized, names and amounts of commissions and to whom paid, order passed, 221  
order for information as above and in regard to payment of 2 per cent commission, passed, 405  
orders (two) for information re 2 per cent commissions paid and amounts also and to whom paid, passed, 445  
order, pages 310, 311, 312, 319 to 324, 331 to 337 of 1938 Proceedings—message, communication referred to executive committee, 215
- partial abatement:** on property taken by eminent domain right proceedings, abatement to valuation not in excess of appraisal, order passed, 390
- payment to resident owners:** *in re* takings by eminent domain and fair prices, order referred to executive committee, 273, 274, 275

**Boston Housing Authority, Continued****plebiscite at current election:**

for expression of approval or disapproval for extension of housing projects or proposal for ten-year plan to house 35,000 families following present expenditure of \$191,000,000, order referred to executive committee, 261-passed, 262-message, communication, 412, 413

order for plebiscite on Federal Housing, passed, 444, 445

**plebiscite speech correction:** changing sum involved in Federal housing projects from "\$119,000,000 to \$191,000,000," 455

**preference to Boston residents:** in contracts and employment, order passed, 12

**projects abatements:** file abatement petitions *re* adjustment of 1939 taxes, order (no action taken), 396

**public hearings:** 301, 302; continuation of hearings, 350, 351 (order withdrawn)

**public welfare department information:** *in re* cases added to welfare rolls since May 20, 1939, and number of families moved by department in moving out of housing area, order passed, 349-message, communication, 371, 372

**rentals:** four orders *in re* referred to executive committee, 332

**residents only as speakers:** at hearings in each ward, order passed, 304

**sale, land, Tufts and Medford sts.:** to Authority by city public works department for \$9,200, order referred to executive committee, 325-first reading and passage, 330

**set-back, Parker st.:** of 10 feet for buildings constructed by Authority in Ward 10, between Ward and Tremont sts., order passed, 396

**survey of East Boston:** district as site for Federal housing project, order passed, 35-message, communication, 58, 59

**survey of values:** raising present appraised valuation, order passed, 276

**tenancy preference:** to old age assistance and mothers' aid cases, order, pages 419, 420, 1938 Proceedings-message, communication, 16-message, communication, 103, 104

**ward hearings:** in connection with further Federal projects in Boston, roll call showed less than quorum, meeting adjourned, 278

**water leakage:** damages recently and estimated cost of repairs, order for information, passed, 475

**Boston Municipal Research Bureau**

report of Boston finances and important trends, filed, 112

**Boston Port Authority**

**members appointed:** Thomas A. Pappas, Louis E. Kirstein, John F. Fitzgerald, term ending 1946, 461

**Boston Public School Teachers**

residents and registered voters within a year after, order for school committee to request non-residents to become citizens of Boston, passed, 161, 162

**Boston Public School Teachers' Retirement Fund**

**contributions:** *see* City Council, resolutions, Boston Public School Teachers' Retirement Fund or page 120

**Boston Retirement System**

order for City Council for acceptance of Act, passed, 198, 199  
order to consider legislation permitting school teachers of Boston failing to become member of system within time limit to join said system, passed, 449-message, communication, 460, 461

**Boston, Revere Beach & Lynn Railroad**

**service discontinuance:** notice from Public Utilities of hearing November 9, 1939, filed, 441

**Boston Statistical Department**

**total number each of citizens and aliens:** residing in city, order to secure and submit to Council such information, passed, 87, 88

**"Boston's Streets"**

**new edition, 1,000 copies:** bound in board with precinct changes by election commissioners to December 31, 1938, expense chargeable to contingent fund, order passed, 36; duplicate order, passed, 79

**progress of work:** information from printing department *in re* orders of January 23 and February 14, pages 36 and 79-message, communication, 393

**Boston Taxpayers' Alliance**

appropriations committee to obtain list of officers with their addresses, order with amendment referred to executive committee, 260, 261-passed, 262, 263

**Boston Transit Commission**

**air compression hammering:** to cease at 10 p. m. on W. P. A. Huntington ave. subway project, order passed, 87-message, communication, 102

**special committee:** of five councilors to confer with commissioners relative to Huntington ave. subway, order for appointment, passed, 250

**Boston United Hand-in-Hand Association**

petition for use of land, Crosstown ave., for cemetery purposes, referred to executive committee, 326-passed, 400

**Boylston Street Bridge**

repairs, order to hasten, passed, 136

**Boys' Clubs of Boston**

lease from city, land, F and West Sixth sts., for playground, message, preambles and order referred to executive committee, 14-passed, 18

**Brandeis, Associate Justice Louis D.**

preambles and resolutions of City Council regretting resignation from Supreme Court of United States and respectfully suggesting his readoption of Boston as his home to carry on fight for American democracy in the city which gave it birth, unanimously adopted by rising vote, 80

**Breakage on Horse and Dog Racing**

resolve to request the Governor of Massachusetts to order chairman of Racing Commission to comply with law pertaining to "breakage" explained by Massachusetts Supreme Court, referred to rules committee, 375-resolution adopted, 377

**Budget Department**

**amount spent 1928 to 1938:** on central library repairs, order passed, 366

**city-owned passenger automobiles:** type, year, model and cost with department designation, order passed, 165, 166-message, report, 229, 230, 231

**city pay roll:** pay and number receiving \$1,000 or less to \$5,000; also number of employees on roll, order passed, 250-message, communication, 290

**conference with appropriations committee:** under six heads, order referred to appropriations committee, 273

**data re water division:** under five heads, order passed, 249

**hearing for taxpayers:** public hearing, May 1, 1939, for civic organizations and taxpayers, order referred to appropriations committee, 206, 207

**hospital information:** under sixteen heads, including information from PUBLIC WELFARE and W. P. A. DEPARTMENTS, order passed, 220, 221-message, report received, filed, 231, 232, 233, 234, 235

**1939 message and orders:** lump sum budget, city, \$40,406,309.58; county, \$3,813,910, with \$2,050,000 revenue departments submitted, referred to appropriations committee, 41, 42

**1939 segregated form budget:** city, \$38,560,605.12, a decrease of \$1,857,507.75; county, \$3,727,240.13, an increase of \$142,979.81; revenue departments, \$1,947,522.59, a decrease of \$92,616.93; totals department estimate, \$50,140,229.02; allowance \$44,235,367.84, referred to appropriations committee, 144 to 150, inclusive

**salary increases and total:** under four heads, order for information for Council appropriations committee, passed, 189-message, communication, 288

**seven twelfths of year:** message submitting departmental budgets, filed, 235-message and orders referred to executive committee, 306, 307, 308, 309, 310, 311

**seventh twelfths of year pay rolls:** city, \$20,769,775.09; county, \$1,938,449.25; revenue departments, \$1,134,503.92; orders referred to executive committee, 235 to 241, inclusive

**W. P. A. data requested:** under two heads, order passed, 272

**Building Code****amendments:**

Acts, 1938, chap. 479, to allow changes with approval of Mayor, building commissioner or appeal board, order passed, 27—message, communication, 41  
order for acceptance of amendment of Acts amended by chap. 217, Acts of 1939, order for acceptance referred to building code, special committee, 361

**Boston Housing Authority:** violation of section 63 of Code in re window bars, order to investigate all construction for any violations, passed, 249—message, communication, 287, 288

**compliance with Boston's law:** in building housing projects under Boston Housing Authority, order passed, 47—message, communication, 68

**Building Code Committee**

**members:** Councilors Fitzgerald, chairman, Irwin, Galvin, Shattuck, Wilson, Taylor, Murray, 57

**Building Department**

**garages in new apartment houses:** consider requiring all new apartment owners to provide adequate garage facilities, order passed, 470—message, communication, 474

**number, buildings condemned:** in housing project area, order passed, 263—message, communication, 287

**resignation of constable:** Ralph J. Richards, 59

**sidewalk inspection, Huntington ave.:** also building foundations near Huntington ave, subway construction, order passed, later reconsidered and referred to executive committee, 244—message, communication, 267

**Building Trades Council**

**appointment to Appeals Board:** A. Francis O'Toole *vice* John C. MacDonald resigned, 73

**Bunker Hill**

**preamble and resolution indorsing the observance of day with parade and ceremonies June 17,** passed, 322

**Bunker Hill Monument**

**memorialize Congress for legislative enactment commemorating Hill as national shrine,** order passed, 140  
**signals for airplanes, as protection for airplane pilots flying at night,** order passed, 264

**Burner's Hofbrau**

**resolution for refund of license fee paid but not used,** passed, 47

**Busses****Boston Elevated Railway increased service:**

Dudley-Heath sts. line to Allston, 387  
Egleston sq. to Allston st. station, 388  
Franklin Park station to Carson beach, from junction of Morton st., Blue Hill ave. over usual route for five-cent fare during summer months, order passed, 299—message, communication, 336  
Green st. to Egleston sq., order passed, 390—message, communication, 414  
Green st. to West Roxbury line, improve and extend to Forest Hills, two orders, passed, 64, 65—message, communication, filed, 101, 102  
Green st. up Centre st., through May st. to Pond st., terminating at Boston-Brookline line, order passed, 80—message, communication, 127  
on Weld st. on Sundays and holidays, order (no action taken), 209

**investigation by special committee:** of busses using streets for stations, order referred to rules committee, statement by Councilor Langan, 367

**leather hand-straps:** for passengers standing, order passed, 105, 106—message, communication, 128

**operation license petitions:****BOSTON ELEVATED RAILWAY:**

Ashmont station to Dudley station, 163 in 1938 Proceedings—granted, 115

Belgrade ave. and Robert st. junction, 428

Belgrade ave. and Robert st., junction to junction, Weld and Maple sts., West Roxbury, 104—granted, 424

Boston-Brookline line at Huntington ave. to South Huntington ave. and Heath st., 461

Boston-Cambridge line on Harvard bridge to Massachusetts station, 466, 467—granted, 491

**Busses, Continued****operation license petitions:****BOSTON ELEVATED RAILWAY:**

Dorchester ave. junction with Broadway between midnight and 6 a. m., 41

Egleston sq.-Brookline Village, petition, page 432, 1938 Proceedings—message, communication, 23

Morton st., Blue Hill ave. to Forest Hills station, 326—granted, 491

Sullivan sq. terminal, to Boston-Everett line, between 12 p. m. to 6 a. m., 31—granted, 115

Weld and Maple streets junction, 428

**CANTON & BLUE HILL BUS LINE:**

Mattapan sq. to terminal of Boston Elevated Railway Company petition, 1938 Proceedings, page 429—report received, license granted, 135

**EASTERN MASSACHUSETTS STREET RAILWAY COMPANY:**

Fall River and Boston, order to consider permit allowing, referred to executive committee, 93

Fall River and Park and Haymarket sqs., 107

Mattapan to Haymarket sq., 287, 1938 Proceedings—leave to withdraw granted, 115, 116, 117, 118, 119

Milton line to Park sq., granted, 373, 374

**HART BUS LINES, INC.:** reissue of license in name of Saugus Transit Company, 291—granted, 304

**MODERN BUS LINES:**

Boston-Dedham line to Forest Hills, 407—granted, 424—vetoed, 435  
Boston-Dedham line to Spring st., Forest Hills, 475

**OAKDALE COMMUNITY GARAGE BUS LINE:** Dedham line to Park sq. by Spring, Centre sts., Columbus ave., Stuart st., Broadway, 177

**PLYMOUTH & BROCKTON STREET RAILWAY COMPANY:** Quincy line to Ashmont station, 399

**Butter Distribution**

*see* Public Welfare Department, butter distribution; *also* Surplus Commodities Division, W. P. A.

**Byrnes Bill**

The Mayor to confer with Congressmen from Massachusetts to protest proposed Bill calling on towns and cities to contribute 30 per cent more money than under present W. P. A. rules and regulations, order passed, 226

**Cables and Conduits**

location by Boston Edison Company for cables and conduits, West Roxbury Parkway, West Roxbury, notice from Metropolitan District Commission, 387

**Carey, William A., Councilor, Ward 10**

**ward area:** Roxbury, west

**committee appointments:**

executive, appropriations, county accounts (chairman), ordinances, 35  
hospitals, public safety (chairman), 57

**amendments:**

information from hospital trustees, 139  
inspection of taxicabs, 493

**improvements, Ward 10:**

**FOR DETAILS:** *see* Streets, Squares, Circles, names

Alleghany st., 119

Cherokee st., 60

Chestnut ave. (No. 32), 377

Codman pk., 275

Day st., 242

Evergreen st., 263

Haverford st., 275

Heath st., 242, 388 (with Councilor Englert)

Hillside st., 157

Lawn st., 157

Mansur st., 60, 242

Minden st., 60

Pequot st., 363

Sachem st., 157

St. Alphonsus st., 363

Sewall st., 387

Terrace st., 242

Walden st., 165

Washington st., Roslindale sq., 191 (with Councilor Langan)

Wensley st., 157

Wyman st., 454

**motions:** reports of committees: ORDINANCES, vending machines, 186

## Carey, William A., Councilor, Ward 10, Continued

## orders:

additional Jamaica Plain service, 34, 35 (with Councilors Langan and Englert)  
 appointment, additional welfare investigators, 409  
 appropriation for states, 261  
 authority for placing positions under civil service, 377  
 barrier on Muddy river, 73 (with Councilors Chase and Harris)  
 buildings condemned in housing area, 263  
 burying wires, Ward 10, 346  
 butter distribution by Federal Surplus Commodities Division, 332 (by Councilor Englert)  
 comparative annual fire losses, 242  
 conference *re* five-cent fare zones, 462  
 cooperation of physicians *re* hospital investigation, 95  
 demolition of houses in housing area, 346  
 demolition work for Boston residents and American citizens, 391 (with Councilors Chase and Wilson)  
 dumping of garbage and refuse, 222 (2 orders)  
 extension of Dudley st.-Heath st. bus line to Allston, 387  
 five-cent Elevated fares, 332, 333 (by Councilor Englert)  
 halting demolitions by housing authority, 295  
 hospital regulations *re* children under twelve, 189  
 increasing W. P. A. quota, 432  
 information *re* arrests made, 119  
 investigation of radical movements, 74 (with Councilors Chase and Wilson)  
 leather hand-straps for bus passengers, 105  
 memorial to Congress, 402  
 naming library for Monsignor Arthur T. Connolly, 188 (with Councilor Langan)  
 photograph of taxicab operator, 56  
 placing daisy field in Jamaicaaway in suitable condition for baseball, 378  
 postponement of W. P. A. furloughs, etc., 493 (2 orders)  
 proposed set-back, housing projects, Parker st., 396  
 protection for children, Muddy river, 74 (with Councilors Chase and Agnew)  
 relocation of city hospital telephone service, 157  
 replacing Huntington ave. water main, 135  
 rescission, five-cent fare vote, 450  
 retirement of Patrick Rogers, 333 (by Councilor Englert)  
 revenues received from hackney carriage licenses, etc., 56  
 roping off street, 192 (with Councilors Langan, Englert and Lyons)  
 rubbish cleaned from vacant lots, 365  
 shower baths in schoolyards, 331  
 solarium for women, L st. bathhouse, 242  
 surplus commodities station, Ward 20, 396  
 survey of traffic, Allston-Dudley st. line, 35  
 traffic box, Brigham circle, 346  
 traffic signals, Brigham circle, 35  
 turning on shower baths in field houses at playgrounds, 364  
 voice-amplifying apparatus in street cars, 346

points of information: reports of committees: EXECUTIVE, dog racing tracks, 53, 262; JITNEY LICENSES, 119

## remarks:

appointment, additional welfare investigators, 409  
 appropriation for streets, 261  
 authority to place positions under civil service, 377, 378  
 buildings, condemned in housing areas, 263  
 comparative annual fire losses, 242  
 conference *re* five-cent fare zones, 462  
 cooperation of physicians *re* hospital investigation, 95, 96  
 demolition of houses in housing area, 346  
 dog track statement by Councilor Norton, 39  
 dumping garbage and refuse, 222  
 five-cent fare zones, 443  
 halting demolitions by housing authority, 295, 296  
 hospital regulations *re* children under twelve, 189  
 increasing W. P. A. quota, 432, 433  
 information *re* arrests made, 120; *in re* police department, 64  
 memorial to Congress, 402  
 naming library for Monsignor Arthur T. Connolly, 188  
 non-support proceedings, 26  
 officers of Boston Taxpayers' Alliance, 260  
 partial abatement on property taken by eminent domain, 390  
 placing daisy field in Jamaicaaway in condition for baseball, 378  
 postponement of W. P. A. furloughs, etc., 493  
 proposed set-back, housing projects on Parker st., 396  
 relocation of city hospital telephone service, 157  
 replacing Huntington ave. water main, 135, 136  
 reports of committees: EXECUTIVE, taxicabs, 49, 50; dog racing track, 51, 52, 56; prison industry fund, 167; vending machines, 209, 210, 313, 321, 421, 422, 423, 501; JITNEY LICENSES, 117  
 residence of all city teachers within city, 161, 162  
 rubbish cleaned from vacant lots, 365  
 suspension, five-cent fare zone order, 454  
 traffic signals, Brigham circle, 35  
 turning on shower baths in field houses at playgrounds, 365  
 use of W. P. A. architects on housing projects, 488  
 voice amplifying apparatus in street cars, 346

## resolutions:

elevation of Bishop Francis J. Spellman, 198  
 indorsement of Mayor's legislative bills, 24  
 in honor of the late Pope, 67 (with Councilors Rosenberg and Irwin)  
 reinstatement, Patrick F. Regan, 47

## Carey, William A., Councilor, Ward 10, Continued

statement: opposition to foreign entanglements, 405

unanimous consents: privileged statement by Councilor Carey, 277

## Cassell, Edward P.

amount of fees paid for services as real estate expert for past six years, orders for information from the Mayor, passed, 36, 90, 105

## Chase, Perlie Dyar, Councilor, Ward 4

ward area: Back Bay, south, and Fenway

## committee appointments:

executive, appropriations, 35  
 license fees, tax title property, 57

## improvements, Ward 4:

FOR DETAILS: *see* Streets, Squares, Circles, names  
 Ruggles st., 36  
 Westland ave. at Hemenway st., 36

## motions:

public hearings on Federal housing, 302  
 reports of committees: EXECUTIVE, taxicabs, 48, 49; prison industry fund, 167, 247; FINANCE, 429  
 sidewalks and foundations, Huntington ave., 244

objections: reports of committees: ORDINANCES, vending machines, 164

## orders:

access to records of Housing Authority, 296 (with Councilor Wilson)  
 air-compression hammering, Huntington Ave. subway work, 87  
 amounts paid to Edward P. Cassell, 36  
 architects on Federal Housing projects, 494 (with Councilor Wilson)  
 barrier on Muddy river, 73 (with Councilors Carey and Harris)  
 beautifying Columbus and Huntington aves., 411  
 cleaning exterior Boston central library by W. P. A. project, 361  
 cleaning Lincoln statue, 263 (with Councilor Shattuck)  
 coal deliveries to welfare recipients (2 orders), 122  
 commendation of Dies Committee, 402 (with Councilor Wilson)  
 completion of Boylston st. bridge repairs, 136  
 Deer Island charges, 164  
 demolition work for Boston residents and American citizens, 391 (with Councilors Carey and Wilson)  
 drop in property valuation (2 orders), 157  
 dust nuisance, Huntington ave., 278  
 information from Housing Authority, 500  
 investigation of radical movements, 74 (with Councilors Wilson and Carey)  
 lavatory in Council locker room, 110  
 moving families forced to vacate, 297 (with Councilor Wilson)  
 number of citizens and aliens in Boston, 87  
 number of traffic officers at dangerous intersections, 65  
 owners of properties taken by Boston Housing Authority (2 orders), 90  
 protection for children, Muddy river, 74 (with Councilors Carey and Agnew)  
 public sentiment *re* Federal Housing projects, 272 (with Councilor Wilson)  
 recreational building, Ward 4, 48  
 renting Young's Hotel in lieu of taxes, 365  
 report of appropriation committee, 251  
 report requested on new Suffolk County Court House by court house committee, 348 (2 orders)  
 sidewalks and foundations, Huntington ave., 244  
 smoke nuisance and railroad electrification (4 orders), 108  
 submission of subversive propaganda, 90  
 use of electricity, new court house, 222  
 use of Young's Hotel by departments, 244 (2 orders)  
 use, W. P. A. architects in housing projects, 487 (with Councilor Wilson)  
 work of Edward P. Cassell, 90; work of Edward F. Cassell, 105  
 Young's Hotel property, 243

## points of information:

dog track, Hyde Park, statement by Councilor Norton, 39  
 payment for copies of *City Record*, 499

## remarks:

access to records of housing authority, 296  
 amounts paid to Edward P. Cassell, 36  
 architects on Federal Housing projects, 494  
 beautifying Columbus and Huntington aves., 411  
 cleaning exterior Boston central library by W. P. A. project, 361  
 coal deliveries to welfare recipients, 122  
 commendation of Boston Congressmen for action on Dies Committee, 60  
 completion of Boylston st. bridge repairs, 136  
 Deer Island charges, 164  
 demolition work for Boston residents and American citizens, 391  
 dog track statement by Councilor Norton, 39  
 drop in property valuation, 157  
 dust nuisance, Huntington ave., 278  
 expenditures of Court House Commission, 245  
 five-cent fare zones, 442, 443  
 information from hospital trustees, 138, 139  
 information from Housing Authority, 500  
 information *in re* police department, 63

## Chase, Perlie Dyar, Councilor, Ward 4, Continued

## remarks:

investigation of radical movements, 74, 75, 76, 77, 78  
 leather hand-straps for bus passengers, 105, 106  
 liquor licenses near churches, 433  
 moving families forced to vacate, 297, 298  
 number of citizens and aliens in Boston, 87, 88  
 number of traffic officers at dangerous intersections, 65  
 owners of properties taken by Boston Housing Authority, 90  
 public hearings on Federal housing, 301, 302  
 public hearing for taxpayers on budget, 206  
 renting Young's Hotel in lieu of taxes, 365  
 report requested on new Suffolk County Court House by court house committee, 348, 349  
 reports of committees: APPROPRIATION, 207, 313, 314; EXECUTIVE, taxicabs, 50, 54, 95; prison industry fund, 167, 225, 262, 263, 319, 482, 483, 501; PRISONS, 492; RULES, 444  
 seventh ballot for Council President, 20  
 sidewalks and foundations, Huntington ave., 244  
 smoke nuisance and railroad electrification, 108, 109  
 speakers at ward hearings on housing projects, 304  
 submission of subversive propaganda, 90  
 tax titles on Young's Hotel, 297  
 use of electricity, new court house, 222  
 use, W. P. A. architects in housing projects, 487  
 use of Young's Hotel by departments, 244  
 work done by Edward P. Cassell, 90  
 work of Edward F. Cassell, 105  
 Young's Hotel property, 243, 244

## resolutions:

approval of work of Dies Congressional committee, 18  
 commendation of Boston Congressmen *in re* action on Dies Committee, 60 (with Councilor Wilson)  
 continuation of work of Dies committee, 476 (with Councilor Wilson)  
 investigation of radical movements, 74 (with Councilor Wilson)  
 liquor license near churches, 433  
 liquor license near Trinity Church, 454  
 musical function, school department pupils (2 resolves), 113  
 unanimous consent: reports of committees: FINANCE, 444  
 vote doubts: reports of committees: EXECUTIVE, prison industry fund, 167, 277

## Child Center

at corner of Lambert ave. and Bartlett st.: in Ward 9, order to offer plans, passed, 363—message, communication, 382

## Cigarette and Cigar Vending Machines

ordinances and amendments, pages 73, 430, 431 of 1938 Proceedings; also 1939 Proceedings, 162, 163, 164, 167, 209, 210, 211, 212, 217, 225, 224, 225, 226, 252, 263, 264, 276, 279, 322, 323, 473

## City Clerk Department

licenses and permits schedule of fees: prepare and have printed, order passed, 17

## City Council

## members:

Agnew, James E., Ward 21  
 Carey, William A., Ward 10  
 Chase, Perlie Dyar, Ward 4  
 Englert, Edward L., Ward 11  
 Fish, Philip Austin, Ward 16  
 Fitzgerald, John I., Ward 3  
 Galvin, William J., Ward 2  
 Harris, Mildred M., Ward 9  
 Hutchinson, Edward A., Jr., Ward 13  
 Irwin, Francis W., Ward 1  
 Kelly, John B., Ward 15  
 Kerrigan, John E., Ward 7  
 Langan, James M., Ward 19  
 Lyons, Theodore F., Ward 20  
 McMahon, George F., Ward 8  
 Murray, George A., Ward 6  
 Norton, Clement A., Ward 18  
 Rosenberg, Sidney, Ward 14  
 Shattuck, Henry L., Ward 5  
 Sullivan, Maurice H., Ward 22  
 Taylor, Charles I., Ward 12  
 Wilson, Robert Gardiner, Jr., Ward 17

annual address by Mayor Tobin: 1-9

adjourned meetings: 85 to 88; 305 to 323

adjournment of 1939 Council *sine die*, 506

ballots for Council president: 1st ballot, 9; 2nd, 10; 3rd, 11; 4th and 5th, 12; 6th and 7th, 20; 8th, 25; 9th and 10th, 26, George A. Murray, Ward 6, elected on 11th ballot, 27

## City Council, Continued

## corrections in Proceedings:

January 16, 1939, in President Murray's speech of acceptance following election to council presidency, 84  
 March 6, remarks of Councilor Rosenberg, 136  
 October 2, page 424  
 October 23, page 455  
 December 4, page 483, Housing Authority remarks

emergency work assistance: temporary assistance to finish accumulated emergency work, order passed, 48

final proceedings: 502, 503, 504, 505, 506

first meeting: in Faneuil Hall, senior member Councilor Shattuck presiding, 1 to 12  
 special meetings: 89 to 97; 251, 380, 392

flags, ropes, stakes appropriation orders passed: 119, 156, 166, 192, 222, 317, 363, 430

## special committees appointed:

BUILDING CODE: Councilors Fitzgerald, chairman, Irwin, Galvin, Shattuck, Wilson, Taylor, Murray, 57

CONSTABLES: Councilors Rosenberg, chairman, Taylor, Agnew, 57

ESCORT for newly elected Council President, George A. Murray, 27

ESCORT to the Mayor, Councilors Irwin and Taylor, appointed by chairman Councilor Shattuck, 1

HIGHWAY FUND DISTRIBUTION, 170—members of appropriations committee under direction of public works commissioner, 170—report, 251

HOSPITALS: Councilors Kerrigan, chairman, Carey, Kelly, Rosenberg, Langan, 57

HUNTINGTON AVENUE SUBWAY: all the Councilors

LICENSE FEES: Councilors Fish, chairman, Irwin, Chase, Hutchinson, Sullivan, 57

PARKS AND PLAYGROUNDS: no new committee was appointed for 1939

PUBLIC SAFETY: Councilors Carey, chairman, Taylor, Hutchinson, Wilson, Norton, Lyons, Kerrigan, 57

PUBLIC WELFARE: Councilors Galvin, chairman, Wilson, Lyons, Hutchinson, Harris, 57

TAX TITLE PROPERTY: Councilors Lyons, chairman, Irwin, Galvin, Chase, Sullivan, 57

UNCLAIMED BAGGAGE: Councilors Kerrigan, chairman, Agnew, Wilson, 57

## standing committees appointed:

APPROPRIATIONS: Councilors Chase, chairman, Shattuck, Carey, Norton, Rosenberg, Agnew, Langan, 35

CLAIMS: Councilors Langan, chairman, Irwin, Galvin, Taylor, Kelly, 35  
 COUNTY ACCOUNTS: Councilors Carey, chairman, Harris, Kelly, Lyons, Galvin, 35

EXECUTIVE: 22 members of Council with Councilor Wilson, chairman, 13, 35; temporary chairman Councilor Shattuck, 329

FINANCE: Councilors Shattuck, chairman, Fitzgerald, Agnew, Englert, Taylor, Irwin, Kelly, 35

JITNEY LICENSES: Councilors Englert, chairman, Agnew, Taylor, Fish, Rosenberg, 35

LEGISLATIVE MATTERS: Councilors Norton, chairman, Shattuck, Fitzgerald, Wilson, Irwin, 35

ORDINANCES: Councilors Taylor, chairman, Englert, Wilson, Langan, Carey, Sullivan, Kelly, 35

PARKMAN FUND: Councilors Kelly, chairman, Lyons, Norton, Galvin, Hutchinson, 35

PRINTING: Councilors Sullivan, chairman, Fish, Lyons, Harris, Galvin, 35

PRISON INSPECTION: Councilors Fitzgerald, chairman, Shattuck, Kerrigan, Taylor, Rosenberg, 35

PUBLIC LANDS: Councilors Irwin, chairman, Fitzgerald, Agnew, Englert, Langan, 35

RULES: Councilors Fitzgerald, chairman, Shattuck, Kerrigan, Agnew, Wilson, 35

SOLDIERS' RELIEF: Councilors Englert, chairman, Irwin, Kelly, Fish, Harris, 35

## orders:

ACCEPTANCE OF CHAP. 131, ACTS OF 1939: order for acceptance, passed, 198, 199

ACCEPTANCE, CHAP. 237, ACTS OF 1939: for pensioning certain firemen, referred to executive committee, 330—passed, 330

AMENDED BUILDING CODE: Acts of 1938, chap. 479, as amended by chap. 217, Acts of 1939, order for acceptance referred to special committee on building code, 361

ANNUITIES TO FAMILIES OF HOSPITAL EMPLOYEES: petition for legislative enactment, passed, 119

BILLS FOR SALARY INCREASES: that the Corporation Counsel oppose all bills not approved by the Council, passed, 155—message, communication, 174, 175

## City Council, Continued

## orders:

**BOSTON AS A COUNTY:** order for law department to prepare, introduce and seek approval of legislative action to establish and to cause each town and city to contribute its proportionate share of cost of maintenance, referred to executive committee, 139, 140—passed, 141—message, communication, filed, 175

**CITY EMPLOYEE INFORMATION:** under three heads, passed, 249, 250

**CITY PAY ROLL:** information under eight heads, order passed, 250

**CONDEMNING PUBLIC STATEMENTS ON PENDING MATTERS:** Council goes on record against such actions, referred to rules committee, 33, 34

**CONSOLIDATION OF DEPARTMENTS:** the Mayor to submit plan at early date under five heads, order referred to executive committee, 249

**COUNCIL LOCKER ROOM LAVATORY:** equipments, passed, 110—message, communication, 130

**COUNCIL MEETING PLACE:** on completion of repairs on the fourth floor of city hall, the regular meeting place, order passed, 387

**DIES CONGRESSIONAL COMMITTEE:** commending work of committee in exposing un-American activities, passed, 402

**DISPOSITION OF STATE CHECK:** over one million dollars for roadwork in 1938, order for information, passed, 165—message, communication, 171

**HOSPITAL NURSES:** by finance commission, order passed, 110

**LAWS APPLICABLE TO HOUSING AUTHORITY:** furnish copies to Clerk of Committees of Council, passed, 316

**LEGISLATIVE BILLS OF INTEREST TO COUNCILORS:** corporation counsel to notify members of Bills pertaining to Council pending before legislature and dates of hearings, passed, 85

**LEGISLATIVE BILLS OF INTEREST TO COUNCILORS:** corporation counsel to contact member of district affected, passed, 85

**MERIDIAN ST. BRIDGE:** approving the Mayor's opposition to the high level of bridge and requesting his further efforts *in re*, passed, 430

**NUMBER EMPLOYEES RECEIVING \$1,000 OR LESS TO \$5,000:** order passed, 250

**OBJECTION TO HOUSE BILL 1722:** providing for appointment of Director of Civil Service to replace present commission, passed, 108

**OPPOSITION TO HOUSE BILL 116:** now pending in State legislature, referred to executive committee, 276

**RESTRICTIONS, REAR OF BACK BAY HOUSES:** in area bounded by Arlington, Boylston, Beacon sts. and Massachusetts ave., order for changes to prevent injuries to adjoining properties, passed, 160

**RETIREMENT PATRICK ROOERS:** under chap. 765, Acts of 1914, an employee of hospital department, order for retirement authorization, passed, 333

**SENATE BILL 374:** recording opposition to Senate Bill for election of certain city and town officials, amendment rejected, referred to executive committee, 246—passed, 248

**STATUTES OF 1858, CHAP. 113, SECTIONS 1, 2:** information from law department *in re* effectiveness and in what ways altered, amended or repealed Act founding City Hospital, 113—message, communication, 193, 194

**SUBVERSIVE PROPAGANDA:** order to submit to Council all newspapers, magazines and other material secured in investigation of radical activities, passed, 90

**SUMNER TUNNEL TOLLS:** opposing increase in present tolls, passed, 245

**W. P. A. WORK IN COUNCIL CHAMBER:** information as to approximate date when repair work will start, order passed, 90

## resolutions:

**ANNUITY, DEATH OF THOMAS J. STEVENS:** approving legislative enactment, 244

**ATLANTIC AVENUE ELEVATED LOOP:** favoring enactment of legislation for demolition of structure, 114

**BOSTON COLLEGE FOOTBALL TEAM:** preamble recording desire that team engage in "Bowl" game, referred to rules committee, 484

**BOSTON PUBLIC SCHOOL TEACHERS' RETIREMENT FUND:** legislative enactment for payment to their estates of portion of deceased members' contributions, passed, 120

**BUNKER HILL DAY:** preambles indorsing the observance with parade and ceremonies on next Saturday, passed, 322

**COMMENDATION OF POLICE AND FIRE DEPARTMENTS:** commending prompt, efficient work rendered in recent accident at Blue Hill ave. and Seaver st., Dorchester, passed, 121

**COMMISSIONER LYMAN'S STATEMENTS:** the Governor be requested to substantiate or withdraw remarks *in re* Deer Island House of Correction, resolution passed, 217, 218

**CONFIDENCE IN FELLOW COUNCILORS:** in integrity of all members, resolution passed by unanimous rising vote, 48

**COUNCIL CHAMBER WORK:** expressing appreciation and gratification for splendid work under building department superintendent, resolution adopted, 389

**CURTALMENT, FIVE-CENT FARES:** opposing zone curtailment by Boston Elevated Railway, passed, 447

**DEATH GENERAL EDWARD L. LOOAN:** recording sorrow for passing, resolution adopted by unanimous rising vote, 347

## City Council, Continued

## resolutions:

**DEATH OF POPE PIUS XI:** moment of silence in tribute to virtues of late pope and adjournment out of respect, order passed, 67

**DIES CONGRESSIONAL COMMITTEE:** favoring continuation, appropriation for continuation and copies to be sent President Roosevelt and Congress (3 resolves), referred to rules committee, 18

**DISCONTINUANCE OF DIVIDENDS:** to Boston Elevated Railway stockholders, passed, 119

**ELEVATION OF BISHOP FRANCIS J. SPELLMAN:** expressing pleasure, resolution passed, 198

**FINANCE COMMISSION REPORT:** favoring report submitted *in re* Boston Elevated Railway Company, referred to executive committee, 299

**HOSPITALITY TO PRESIDENT DEVALERA:** past president of Irish Free State and present prime minister of Republic of Eire, expressing pleasure and wishes for glorious future for Republic, resolutions and preamble passed, 160

**HOUSE BILL 851:** indorsing provisions for mosquito control and forwarding resolution to public health committee, Room 450, at State House, referred to executive committee, 137—passed, 141

**HOUSE BILLS 1447 AND 1583:** opposing legislative enactment limiting present City Council to nine members instead of the present twenty-two, passed, 122, 123

**HOUSE BILL 2645:** opposing making illegal meetings, drills, parades even by fraternal organizations, a copy of these resolutions to be sent to Clerk of House of Representatives of the 76th Congress—referred to executive committee, 113

**LOAN, \$500,000 FOR GYMNASIUM:** in South Boston, order for legislative enactment for authority, passed, 271

**MAYOR'S LEGISLATIVE BILLS:** endorsing and directing copies of bills be sent to organizations named, resolutions passed, 24

**MEMORIAL TO CONGRESS:** requesting Congressmen to vigorously oppose entanglements leading country into European war, referred to committee on rules, 402

**MR. AND MRS. JOHN F. FITZGERALD:** expressing congratulations to Ex-Mayor and wife on 50th anniversary of wedding, adopted, 401

**MUNICIPAL BUILDING, FRANKLIN FIELD:** favoring loan legislative enactment, passed, 17—message, veto, 29

**MUSICAL FUNCTION:** sponsored by school committee, city to be financially responsible, participants to be restricted to Boston public school students, copy of resolutions to be sent to school committee, resolution passed, 113

**NEW TAX SUGGESTIONS:** by Governor Saltonstall, opposition by Council recorded, resolve referred to rules committee, 46

**OLD AGE ASSISTANCE:** to persons over sixty favoring passage of legislation now pending providing for needy persons, referred to rules committee, 109

**OPPOSITION TO REDUCTION OF W. P. A. ACTIVITIES:** memorializing Congress against \$150,000,000 cut in relief appropriation, resolution referred to rules committee, 46—passed, 79

## PAYMENTS:

McGonagle, mother of John, killed by fall in playground, approved, legislative enactment, passed, 34

Puliatti, parents of Joseph, death in playground, approving legislative enactment, passed, 34

Stapleton, father of Robert, who was permanently injured in school building, passed, 186

Taylor, father of Joseph, drowned in Charles river, approving, enactment of legislation, passed, 34

widow of Sheriff Keliher, approving legislative enactment for payment of term's salary, passed, 135

## PENSIONS:

approving legislative enactment for those injured during duty, passed, 156

Fewkes, Ernest E., approving enactment of legislation for payment for injuries during duty, passed, 346

certain retired policemen incapacitated during duty to receive same pension received by others, passed, 79  
fire department members, after twenty-five years of service, passed, 47—vetoed, 70

Fisher, John H., approving legislative enactment, passed, 17

Goggin, Thomas E., favoring legislative enactment for \$1,200, self and minor child, passed, 19

Hogan, Henry F., policeman, favoring legislative enactment, passed, 11

Supple, Thomas G., policeman, favoring legislative enactment, passed, 11

Trask, Fred G., police officer, an amount equal to that received at present date, passed, 79

**PER DIEM COMPENSATION FOR EMPLOYEES:** favoring acceptance of chap. 403, Acts of 1936, passed, 28

**PERMANENT EMPLOYMENT OF JOHN NEWTON:** favoring employment in park department, formerly a temporary employee, passed, 24

**PUBLIC OWNERSHIP OF BOSTON ELEVATED:** favoring legislative enactment as suggested by Public Utilities Commission, placing Boston Elevated Railway under public ownership, referred to executive committee, 80

## City Council, Continued

## resolutions:

**PURCHASE OF ELEVATED COMMON STOCK:** opposing purchase of stock at \$60 per share at a total of \$14,327,640 by the fourteen cities and towns of Metropolitan District as provided in House Bill 154, of 1939 Acts, referred to executive committee, 115

**REFUND TO BURNER'S HOFBRAT, INC.:** approving legislative enactment for return of fee, passed, 47

## REINSTATEMENTS:

Cotter, Frank L., in police department, favoring legislative enactment, passed, 60

Gray, James, Jr., favoring legislative enactment authorizing return to police department, passed, 163, 265

Guthrie, Dennis F., police department, passed, 17

Kelly, Richard P., favoring legislative enactment for position as lamplighter, passed, 157

O'Connor, Thomas J., in police department, passed, 34

Petzold, Paul A., in police department, favoring legislative enactment, passed, 27

Regan, Patrick F., in police department, approving legislative enactment for restoration to former position, passed, 47

Wesson, Fulton P., in police department, favoring legislative enactment, passed, 107

**REOPENING EAST BOSTON RELIEF STATION:** congratulations to his Honor the Mayor and Councilor Irwin on successful efforts, passed, 443

**RESIGNATION, JUSTICE LOUIS D. BRANDEIS:** regretting resignation from Supreme Court of United States and suggesting readoption of Boston as home to carry on fight for American democracy, resolution unanimously passed by rising vote, 80

**RETIREMENT OF EMPLOYEES:** after twenty-five years, approving legislative enactment, passed, 60-veto, 70

**SENATE BILL 5:** favoring Bill for repeal of Plan E and Proportionate Representation, referred to rules committee, 97-motion to indefinitely postpone, carried, 303

**SERVICES OF JOSEPH P. MANNING:** expressing appreciation for unselfish, untiring devotion to City Hospital making it the greatest institution of its kind in the world, resolution on his resignation as trustee of that institution, passed, 218

**SOCIAL SECURITY ACT AMENDMENTS:** opposing present Act amendments repealing church, hospital and charitable institutions exemptions, referred to executive committee, 137-passed, 141

**STATE TAKE ON DOG TRACK:** favoring increase to 7 per cent, referred to executive committee, 376

**STATUE OF COMMODORE JOHN BARRY:** favoring legislation now in United States Congress for erection of statue to Father of American Navy and presentation to his mother country, Republic of Eire, passed, 329, 330

**TAX RECOMMENDATIONS BY COMMISSIONER:** disapproving sales tax and approving \$3,000,000 taken from income tax receipts and the release of all state and county tax assessments, 121, 122

**THANKS AND APPRECIATION TO President Murray** for courtesy, dignity and impartiality with which he has presided at Council meetings, passed by unanimous rising vote, 502 to 506, inclusive

**THANKS TO COMMISSIONER WEBBER:** tendering to commissioner thanks for lone opposition to vote of increase of gas rates to small consumer, passed, 418

**TRANSFER OF DORCHESTER HEIGHTS:** approving legislative enactment providing for use by United States as national shrine, passed, 24

**"TRAVELER'S" ACCIDENT CAMPAIGN:** approving campaign, passed, 430

**UNDERPASS, BLUE HILL AVE. AT MORTON ST., WARD 14:** favoring legislative enactment for construction, passed, 19

**VETO ASKED FOR BUS PERMIT:** of Eastern Massachusetts Street Railway for operation down Blue Hill ave. and Seaver st., passed, 120

**RESOLUTION RECEIVED (NO COUNCILOR'S NAME ATTACHED):** gymnasium in South Boston, 271

## City Documents

**appropriation charges:** Clerk of Committees and Statistics Department for Municipal Register and Organization of City Government, printing and preparation, 136

**"Boston's Streets":** print 1,000 copies, revised to December 31, 1938, order passed, 36

**fees schedule for licenses:** complete list in effect in each department on January 3, 1939, to be printed and charged to appropriation for city documents, order passed, 17

No. 40: Mayoral appointments of minor officers, 169-confirmed, 198

No. 41: list confirmed with exception of John J. Daunt, John J. Dillon, Robert E. Donlan, William F. Dwyer, John A. May, Max Rabinovitz, Almerindo Sarno, Frederick J. Sarno and Frank Shaw, 217

No. 43: Mayoral appointments of constables, 170-confirmed, 198

No. 44: preparation of ballots for jury list, 327

No. 47: precinct changes, Wards 2, 7, 10, filed, 360

## City Employees

**additional nurses, City Hospital:** order for 100 nurses, referred to executive committee, 93-new draft of order, passed, 95

**Boston city hospital nurses:** adequate provision when contracting diseases in performance of duty, order passed, 475, 476

**Boston public school teachers:** compulsory residence in city limits and registered voters, order passed, 161, 162

**clerical workers in City Hospital:** Saturday mornings off during summer months, order passed, 314

**East Boston relief station employees:** order to return all employees to old positions, passed, 443-message, communication, 466

**five-day week:** during summer, order passed, 271

**hospital clerical workers:** Saturday mornings off, order passed, 297, 298

**in hospitals:** annuities for families of those injured or contracting disease in the work, order for legislative enactment, 119

**increases and total of city employees:** under four heads, order for information for Council appropriations committee, passed, 189

**information in re number of employees:** under three heads, order passed, 249, 250-message, communication, 288

**information in re pay:** number receiving lower than \$1,000 to \$5,000 order passed, 250

**investigators or visitors:** full protection, cooperation and legal assistance in any case arising from duty, order passed, 208

## Jewish employees:

order for leave of absence without loss of pay April 4 and 5, Jewish holidays, passed, 155

order as above on September 14, 15, 23, passed, 395

**John Newton:** in park department as permanent employee, formerly a temporary employee, resolution passed, 24

**leave of absence:** to those who can be spared from duties, order passed, 329

**matron, Mary Draper playground:** order to install for summer season, passed, 209

## non-resident:

information as to legality action against, order passed, 242, 243

information from law department in re teachers, in public schools, residence, order passed, 242, 243

**nurses at City Hospital:** order to investigate hours of labor and service requirements and living conditions, passed, 87

**100 additional police officers:** order passed, 64

**per diem compensation:** for injuries received in performance of duty, order passed, 28

**personnel of police force:** order for information, passed, 160

**policemen:** one day off in seven without added expense for protection, order passed, 27

**retirement, Patrick Rogers:** order for under Acts of 1914, 1915, passed, 333

**tollmen and gatemen:** employed forty-four instead of forty-eight hours, order passed, 420

**vacancies in police department:** order to fill, passed, 389

**veterans of Spanish War:** leave of absence, without loss of pay, to attend annual convention at Brockton, order passed, 302

## City Fuel Company

order for investigation by health department of coal dust nuisance on property on Border st., East Boston, passed, 79-message, communication, 129, 130

## City Hall

**sandblasting works:** order to consider in connection with present remodeling work, passed, 166

## City Messenger Department

**second assistant messenger:** from \$2,250 to \$2,700, raise of \$500 referred to executive committee, 60-referred to rules committee, 66

**roping-off streets, orders passed:**

Aleppo Temple parade and field day, August 26, expense chargeable to City Council appropriation for ropes, flags, stakes, 363

annual ten-mile road race of Holy Name A. A. on June 24, 1939, chargeable to Council appropriation for flags, ropes and stakes, 317

Cathedral Club cross-country run, April 8, 1939, chargeable to Council appropriation, for flags, ropes, stakes, 119

Columbus Day parade, October 12, 1939, chargeable to Council appropriation for ropes, flags and stakes, 430

Dorchester Day, June 3, 1939 celebration, chargeable to Council appropriation for flags, ropes, stakes, 222

Marathon race, April 19, 1939, chargeable to Council, flags, ropes and stakes appropriation, 166

Presentation Club marathon on Tip Top, Cuffin sts., and Oak sq., 156 William F. Reddish Athletic Association, for annual ten-mile road race, 192



## City Planning Board

**chairman elected:** William Stanley Parker, 44  
**member appointed:** Elisabeth M. Herlihy to April 30, 1944, 467  
**information as to costs of improvements:** under three heads, order passed, 265  
**resignation:** Frederic H. Fay, 44  
**restrictions, rear of Back Bay houses:** changes in present requirements to prevent injury to adjoining properties in area bounded by Arlington, Boylston sts., Massachusetts ave. and Beacon st., order passed, 160—message, communication, 284

## "City Record"

**payment for copies:** money of taxpayers used for payment of copies distributed at Grover Cleveland school, December 18, 1939, if not taxpayers' money what persons' or organizations' money, order passed, 493, 499, 500  
**publication:** of departmental appropriation balances made after November, order passed, 468  
**tax title property sales:** order to consider reporting in *Record* details of all sales, passed, 402

## City Survey

**Boston Municipal Survey Committee:** to provide each councilor with list of surveys made and pending, order passed, 471

## Civil Service

**authority:** law department to inform Council by what authority certain positions were put under civil service, August 1, 1939, order passed, 377, 378  
**examination requirements:** for social workers, three months' experience, order passed, 411—message, communication, 436, 437

## Claims

**extra wages:** institutions department: O'Keefe, Lawrence P., 152  
**injury to dog:** Taylor, Elizabeth E., 23  
**loss of rental:** Borgstrom, Mathilda, 428  
**loss of vacation:** Carolan, Margaret L., 417, 441  
**meter adjustment:** Dillon, Nellie, 466  
**overtime labor:**  
 Gallagher, Charles V., 152  
 Hamilton, William, 441  
**payment for supplies:**  
 Congress Beauty Equipment Company, 474

### personal injuries:

**Abramson, Beverley,** 407: Adami, Violet J., 258  
**Allen, Gloria M.,** 49 : Armstrong, Florence E., 386: Arnone, Adele, 373  
**Bagloe, Etta G.,** 474: Barrett, Josephine M., 486  
**Berger, Bernard,** 386: Berman, Sylvia, 258: Betts, Elizabeth, 17  
**Bolinder, Lawrence C.,** 461; *see also* under property damages  
**Bronstein, Edward,** 177: Brookman, Bessie, 72  
**Brooks, Florence E.,** 407: Brown, Frank L., 290  
**Budds, Alice O. N.,** 177: Burke, John F., 326: Burns, Anna C., 360  
**Caliri, Constance,** 152: Cameron, Mabel R., 428  
**Capozzi, Nicholatta,** 134: Carlin, Max, 112  
**Channer, Ara Louise,** 216: Chappelle, Rachel, 360  
**Cleary, Katherine M.,** 461: Cogan, Ada, 407: Cohen, Roslyn G., 340  
**Coluccino, John,** 133: Conlon, Mary R., 428: Connor, Angie F., 394  
**Cooper, Bernice,** 360: Corrente, Dominic, 394: Cox, Nellie, 326  
**Crowley, Cornelius,** 441: Cristadoro, Mrs. Charles, 104  
**Cronin, Bart J.,** 497  
**Delaney, Roma,** 31: Devitt, Alice M., 312  
**DiNapoli, Dolores,** 133: Doherty, Grace E., 216  
**Doleimscolo, Mary,** 133: Drady, Rita E., 340: Drinkwater, Mrs. Fillie, 497  
**Driscoll, Michael,** 152: Duffy, Beatrice G., 23  
**Dunklee, Helen L.,** 159: Dunleavy, Bernard F., 216  
**Eastman, M. M.,** 312: Elliott, Fred, 441: Ellis, Robert A., 497  
**Farrar, Mabel N.,** 177: Farwell, Mrs. Leon, 441  
**Feeley, Margaret,** 44: Ferguson, Carolyn, 394: Finn, William, 112  
**Finneran, Elinore P.,** 360: Fitzgerald, T. F., 475  
**Fitzpatrick, Eleanor T.,** 386: Flanzbaum, Minnie, 177  
**Freedman, Rebecca,** 475  
**Gallagher, Mary Esther,** 441: Gallo, Phillip, 360  
**Goldstein, Charlotte,** 23: Goldstein, Philip, 23: Grady, George W., 452  
**Green, Wilfred and Margaret M.,** 340: Grover, Mary D., 290  
**Hay, Jane,** 104: Healey, Delia J., 394: Holbrook, Kenneth, 441  
**Hugo, Mrs. B. M.,** 386: Hurley, Helen G., 386  
**Ichcovitz, Hyman,** 112: Isaacson, Doris G. H., 11  
**Isbart, Lillian,** 428: Isenberg, Mildred, 159: Iudica, Theresa, 134  
**Johnson, Annie,** 271: Jones, Charles L., 134  
**Jones, Donald P. and Ruth H.,** 290  
**Kaveney, James M.,** 44: Keefe, Edward J., 428: Kelley, Frank, 386  
**Kelley, Martha J.,** 394: Kelly, James A., 112: Kidd, Warren, 497  
**Kraatz, Mary R.,** 31

## Claims, Continued

### personal injuries:

**Lander, Harold,** 399: Leary, Mrs. Vera Shea, 196: Levin, Harry J., 72  
**Lichman, Kay,** 373: Long, Mary R., 23  
**Lyons, Mary,** 326, *see also* Claims, property damages  
**MacDonald, Mary,** 23: MacPherson, Ruth E., 134  
**Maffeo, Frank,** 104: Manning, Catherine, 104: Marino, Michael, 59  
**Martins, Ursula,** 360: Mattson, Beatrice, 441: Mazza, Salvatore, 486  
**McAdam, Francis A.,** 373: McCarthy, Anne E., 258  
**McCormack, Anne W.,** 340: McInnis, Mrs. John, 112  
**McIntosh, Mary E.,** 72: McLellan, Bibiana, 490  
**McNamara, Winifred,** 326: Merritt, Martha A., 217  
**Mills, Mrs. Frank,** 399: Morrissey, William A., 44  
**Morrison, Samuel A.,** 23: Mudge, Lester R., 59  
**Munroe, Evelyn A.,** 31: Murphy, John E., 23: Murray, Marion, 441  
**Murray, Mary C.,** 152: Myers, James, 290  
**Nelligan, Gertrude L.,** 326: Newman, John C., 360  
**Nickerson, Bessie,** 407: Noonan, Mary A., 290  
**O'Connell, Louella,** 399: O'Leary, Helen, 104  
**Pateras, Dennis,** 326: Paul, Mary A., 394: Pook, Benjamin, 373  
**Pook, Harry,** 312: Powers, Mrs. Charles J., 461  
**Pratt, Dr. E. A.,** 290  
**Rabe, Edith R.,** 217: Raymond, Mrs. Cleo, 134  
**Reardon, Mary M.,** 258: Regan, Julia, 134: Rice, Alice V., 23  
**Rideout, Clifford et al.,** 177: Rodman, Dr. E. C., 112, *see also* Claims, property damages  
**Ryan, Leo,** 134  
**Salina, Catherine,** 407: Shaffer, Rose, 386: Shallop, Rose, 271  
**Stoddard, Edna M.,** 104: Stroud, Mary L. O., 418  
**Sweeney, Mary,** 418  
**Upton, Joseph, and Albert Stella,** 373  
**Velardo, Alice,** 241: Venosky, Mary E., 373  
**Wade, Patrick J.,** 490: Walker, Catherine, 418  
**Wallin, Rose V.,** for injuries and death to Frances L. Healy, 104  
**Walsh, Gertrude M.,** 152: Walsh John J., 59  
**Walsh, William C.,** 104: Watts, Elizabeth, 159  
**Webber, Rudolph G.,** 159  
**Weeks, William,** 134, *see also* Claims, property damages  
**White, Gerard L.,** 177: Wong, Lily, 461  
**Zafarana, Alfonsina,** 134

### property damages:

**Adelman, C. A.,** 159: Adelman, J. F., 112: Aducci, James V., 360  
**American Electric Supply Company,** 340  
**American Mattress Manufacturing Company,** 72  
**Andrew Square Hardware,** 474: Appleton, Wilbert D., 340  
**Arnold, J. E.,** 216: Aseolillo, Achillo, 23  
**Avery & Clinkard Company, Inc.,** 151  
**Back Bay Electrotyping and Engraving Company,** 474  
**Backman, Abraham A.,** 72: Bailey, John J., 326  
 (George A.) Baker Company, Inc., 104: Ball, Augustine, 17  
**Bandis, Stephen,** 386: Barnard, Harold F., 407  
**Barnes, Elizabeth,** 134: Barron, Arnold M., 159: Basile, Dominic, 196  
**Berney, F. L.,** 290: Berkeley Hotel Trust, 216: Berman, Doris, 133  
**Berwick Cake Company,** 196: Bihl, Alfred, 452: Bikofsky, Sarah, 497  
**Binder, Morris H.,** 159: Black, John H., 461: Bollinder, Lawrence C., 461, *see also* above: Bonaceto, Carmelo, 452  
**Boucher, Joseph,** 394: Boucher, Mrs. Leo, 474  
**Boudreau, Gustave,** 23: Boxwell, Gertrude, 394  
**Boylan, John W. et al.,** 326: Bradley, Edward J., 486  
**Bradley, Robert R.,** 11: Building Management, Inc., 151  
**Bulman, Thomas M.,** 159: Burke, Edmund J., 11  
**Burokoff, Nathan,** 340: Butterfield, Albert E., 44, 104  
**Caines, Aubrey,** 360: Campbell, Florence E., 290  
**Cantrell, Cecil W.,** 486: Cardozo, Mrs. P., 360: Carlin, Max, 112  
**Carolin, Carl,** 112: Carvill, Henry V., 461  
**Caseome, Salvatore,** 461: Cavanaugh, Robert N., 44  
**Chamberlain's,** 59: Christensen, Marie, 461  
**Churchill Company,** 31: Clark, John D., 59  
**Clayton's, Inc.,** 312: Clinton Transportation Company, 216  
**Clony, Elizabeth V.,** 159: Cohen, Esther, 386: Colby, John C., 258  
**Colcord, George W.,** 72: Cole, Morris, 441: Coleman, Max, 177  
**Collins, Winnifred E.,** 177: Colonial Real Estate Trust, 497  
**Connelly, Patrick J.,** 474: Continental Baking Company, 133, 152  
**Corliss, James,** 474: Cortell, Max, 104: Coughlin, James F., 17  
**Coughlin, John D.,** 475: Coye, William F., 441: Craig, James, 271  
**Creaser, Paul S.,** 490: Crescent Tower, Inc., 441  
**Croston, Esther G.,** 497: Crowley, Cornelius J., 466  
**Cuneo, Blanche,** 112: Cunningham, Alfred T., 452  
**Curtin, Frederick J.,** 196: Cutler, Alfred A., 461  
**Dale, Louis B.,** 290: Delano & Co., 271: DeLeo, Joseph, 340  
**DeMarco, Ralph,** 59: DeVoto, Louis R., et al., 497  
**DiBlasi, Lena,** 340: Dingwell, Ainsley W., 475  
**Donovan, Mary V.,** 441: Dunn, Arthur S., 134  
**Dwire, Harold W.,** 134  
**Economy Grocery Stores Corporation,** 326, 394  
**Edstrom, Roland H.,** 475: Elles, Robert A., 486  
**Eramian, Haik,** 466: Esposito, Frank, 375  
**Estate of D. Gertrude McDaniel,** 497: Excellent Sweet Shops, 290  
**Fairmount Laundry,** 23, 152: Falk, Louis E., 428  
**Farley, James T.,** 159: Fenlon, William E., 386  
**Fingold, Sara,** 17: Finkelstein, Nathan, 486: Finn, William, 112  
**Finnegan, Celia A.,** 11: First National Bank of Boston, 112  
**Floyd, Arthur D.,** 373: Flynn, John M., 72  
**Folsom, Benjamin F.,** 312: Ford, Martin F., 271  
**Franzmann, Emile C.,** 407: Frawley, William J., Jr., 360  
**Gabriel, Ann,** 441: Gale, William G., et al., 452

## Claims, Continued

## property damages:

Galvin, Elizabeth P., 112: Gardes, Frank E., 407  
 Gill, Beatrice C., 72: Gillespie, Isabel C., 72  
 Gillespie, Leslie S., 134: Gilligan, John and William, 373  
 Golner, Nathan, 134: Good Will Neighborhood House, 360  
 Goodman, Harry, 104: Gougorian, Stephen, 373  
 Gould, Mrs. Richard E., et al., 360: Grant, Paul J., 104  
 (C. H.) Graves & Sons Company, 31: Greenberg, John I., 475  
 Greene, Mary and William, 373: Griswold, Emery, 441  
 Gulizia, Salvatore, 326: Gutowski, Stephen, 44, 386, 407  
 Harrington, Mary Anna, 336: Harrington, Marion, 23  
 Hart, Leo J., 159: Hartwell, Thomas, 428: Hatch, Ralph A., 360  
 Hastry, Mary W., 59: Haynes, Lillian M., 72  
 Henry, Catherine, 326: Hoar, Nellie, 486  
 Holmes, William H., 386: Homsey, Lillian G., 72  
 Hopkins, Anne McHenry, 428: Horrigan, Thomas, 407: Howe & French, Inc., 373  
 Huckins Company, Inc., 340: Huntt's Cafeteria, 112  
 Interland, S. Thomas, 475  
 Jones, Donald P. and Ruth H., 290  
 Kahan, Sidney L., 428, 441: (Edward F.) Kakas & Sons, 112  
 Kalman, George, 134: Karolczak, Frank, 475  
 Kasok, David, 152: Keane, Margaret M., 340: Kearns, Agnes, 428  
 Keefe, Elizabeth, 134: Kelly D. J., 11: Kelly, John C., 497  
 Kelley, Joseph P., 461: Kelley, Margaret, 241: Kelman, Esther, 152  
 Kett, Mary C., 152: Kruger Furniture Company, 386  
 Lachowicz, John, 360: Lang, George C., 216: Leavitt, Richard P., 31  
 Leshner & Sons, Inc., 258: Levin, Irving B., 44: Levine, Meyer, 72  
 Little, Henry, 196: (Q. W.) Lung Company, 159: Lynch, Mary M., 159  
 Lynn, E. V., 452: Lyons, Mary, 326, see also Claims, personal injuries  
 MacLaurin, Richard C., 134: MacPhee, William M., 31  
 MacPherson, J. A., 258: Maglio, David E., 312  
 Maguire, Joseph P., 258: Maguire, Thomas H., 418  
 Mahoney, Mrs. E., 112: Maida, Rev. Pasquale D., 326  
 Malatesta, F., 394: Manduca, Salvatore R., 258  
 Marcella, Felix A., 360: Martin, Birdie A., 216: Martin, Frank S., 72  
 Massachusetts Wharf Coal Company, 340: McCarthy, Anne L., 196  
 McDonald, William H., 134: McEachern, Benjamin F., 386  
 McKinnon & McKenzie Company, 72: McLaughlin, George W., 59  
 McMahon, Catherine, 104: McSweeney, Leo, 399  
 Meade, Mrs. G. H., 11: Mezzano, Albert, 360: Molito, Salvatore, 461  
 Monahan, J. B., 72: Monoson, Fred, 290: Moran, Emily, 486  
 (H. & L.) Motor Trucking Service, 44: Mourad, Morse S., 360  
 Murphy, Rev. James J., 271: Murphy, Maurice J., 441  
 Natol, Ester, 461: Nature Food Centers, Inc., 197  
 Naughton, Mary M., 177: Nesto, R., 104: Neustadt, Joseph, 177  
 Niland, Elizabeth H., 441  
 O'Keefe, James L., 441: O'Leary, Dhonal, 31: O'Moore, Roger, 134  
 O'Neil, Agnes M., 475: O'Neil, Josephine, 340: Orne, Charles M., 360  
 Patajo, Christus A., 417: Philbrick, Alice H., 72: Picardi, Eva, 31  
 Pickett, Charles M., 177: Pierce, Carl, 17: Pike, Benjamin E., 134  
 Pinanski, Viola R., 441: Previte, Frank J., 418  
 Princeton Motor Sales, Inc., 291: Princiotta, Ethel G., 152, 216, 217  
 Pusick, Herbert, 134  
 Quinn, William J., 134  
 Rankin, Ethel M., 134: Redmond, Anne P., 152  
 Reynolds, Shaw H., 17: Riccobene, Peter, 475: Robbins, Harry W., 373  
 Rockett, Edward J., 23: Rodman, Dr. E. C., 112, see also Claims, personal injuries  
 Rodman, Robert M., 394: Rosenberg, Sarah, 497  
 Royal Typewriter Company, Inc., 399: Rubin, Max, 134  
 Sampson, Ernest L., 271: Samsom, Edward J., 31  
 Saphirstein, Hyman, 386: (Chester E.) Sawyer Company, 44  
 Scoffi, Louisa, 441: Schlossberg, Julius, 104: Scola, Salvatore, 360  
 Scott Furriers, Inc., 497: Scott, J. G., 104: Seabury, Margaret, 271  
 Segal, Harold L., 461: Segal, Max, 159, 258: Shaw, Bradford, 134  
 Shawfield Cafe and Ezra Gibbons, 386: Shea, Thomas J., 241  
 Sheehan, John W., 326: Smith, Frederick H., 326  
 Smyth, John and Bertha, 177: Solimine, Belmont, 466  
 Sorenson, Sophia, 386: Spang, Clemens John, 134: Spear, George, 72  
 Stockman, William J., 461: Stoffel, A. J., 134  
 Sullivan, Cornelius D., 441: Sullivan, Delia A., 340  
 Superior Petroleum Products Company, 340  
 Tannar, Ray C., 159: Teele, Arthur P., 112: Thompson, A. W., 31  
 Thompson, William M., 312: Thornton, Edward J., 466  
 Tierney, Agnes M., 360: Tobetti, Alfred S., 394  
 Tolman, Arthur K., 59: Tondreau, H. G., 373  
 U Dryvit Auto Rental Company, Inc., 394: United States Department of Agriculture, 475  
 Wadman, Herbert T., 497: Walsh, Muriel, 399  
 Walsh, Redmond L., 177: Walter, Annie H., 31  
 (Joseph S.) Waterman & Sons, Inc., 475: Watt, Frederick O., 152  
 Waverly Pharmacy, Inc., 407: Weeks, William, 134, see also Claims, personal injuries  
 Weintraub, Mrs., 486: Weisman, Mrs. E., 326: Wexler, Ralph, 134  
 Whitney, Edward T., 394: Wilson, Harry B., 497: Winokur, Ruth, 258  
 Wixek, Agnes, 373: (D. S.) Woodberry Company, 152  
 Woods, Mildred E., 104  
 Yorke, William L., 23: Yuchneivich, Mrs. J., 340  
 Zaugg, Otto E., 340

## property losses:

Akerley, George H., 104  
 Candis, George, 386: Cavanaugh, Maurice F., 497  
 DeChellis, Mario, 340: Doherty, Austin, 497  
 Frawley, Gerard M., 177  
 Klemm, Beatrice, 134

## Claims, Continued

## property losses:

LePlante, Francis G., 31  
 Manganaro, John, 461: Moran, Mrs., 23  
 McFarlane, John P., 428: Moran, Louis F., 241  
 Mutch, Edward H., 23  
 Odell, Joseph, 152  
 Strano, Rose, 418  
 Wisentainer, Mrs. Louis, 177

refunds:  
 Alperin, Samuel, 394  
 Back Bay Chevrolet, Inc., 340: Barr, Michael, 177  
 Brooks, F., 394  
 Cataldo, Carlo, 340: Clark, Julia, 466  
 Colantuoni, Sabino, 373: Cole Brothers, 312  
 Driscoll, Marguerite C., 452  
 Eagles, Louis, 452  
 Felton, William M., 177: Fisher, Sarah, 216  
 Gordon, William, 326  
 Johnson, Arthur L., 59  
 Kramer, Max, 241  
 Lamarca, Catherine, 241: Levine, Samuel A., 497  
 Losordo (Frank) & Son, Inc., 486: Lynch, Cornelius M., 196  
 Marks, Joseph, 466: Moger, Sarah, 271  
 O'Meara, Daniel L., 340  
 Pring, Ella V., 360  
 Quigley, William T., 399  
 Renner, Mary A., 241: Rose, Curtis, 466: Rosenthal, Nettie, 241  
 Sable, Nathan, 461: Smith, Edith M., 360  
 Wallace, Moses E., 291  
 Xiarhos, Peter, 326  
 Ziff, Samuel, 271

reimbursements:  
 Balboni, Eyo, 386: Bentley, Harold J., 72  
 Boston & Maine Railroad, 428 (two claims)  
 Carroll, John S., 152: Carruthers, James, 399: Casey, B. J., 386  
 Coyle, James, 290: Craig, James P., 326  
 Delaney, William P. J., 386: DiDonizio, Camilla, 441  
 Donovan, Daniel A., 104  
 Eldridge, Arthur E., 399  
 Finnegan, Patrick F., 386: Flannery, Alfred T., 490  
 Greer, James H., 59: Guarini, Hamlet, 394: Hoppe, Bernard J., 104  
 Katze, Jack, 394  
 Leahy, Michael J., 428: Leonard, Edith K., 461  
 Leonard, John F., 326: Lyons, William J., 386  
 Mayo, Arthur E., 177: McDonough, Thomas M., 386  
 McFadden, Henry, 394: McGinley, Peter P., 59  
 Meads, John J., 394: Merchant, Edward C., 152  
 Paulson, Catherine, 475  
 Ranney, Josephine E., 197, 490: Roche, Edwin P., 475  
 Ryan, Patrick J., 104  
 Sanfield, Max, 241: Sharkey, Felix F., 441—ordered paid \$600 from contingent fund, 483  
 Sidney Amusement Company, 497: Smith, George F., 326  
 Sullivan, David P. (two petitions), 177  
 Todd, John J., 241  
 Victor, Barney, 466  
 Wagner, Albert F., 326: Williams, Edmund L., 466  
 Wilson, David H., 104 (two petitions)

CITY HOSPITAL:  
 Bean, James J. (April 3)—ordered paid \$109 and \$27.55, 226  
 O'Halloran, Joseph T., 312—ordered paid \$60 from contingent fund, 361

FIRE DEPARTMENT:  
 Cusick, Gerard T., 373—ordered paid \$54 from contingent fund, 388  
 Dacey, Lieut. Daniel P., 290—ordered paid \$255 from contingent fund, 322  
 Donelan, Patrick J., 23—ordered paid \$50 from contingent fund, 106; ordered paid \$54 from contingent fund, 322  
 Doyle, John J. (three petitions)—177—\$1,000 and \$250, and \$250 ordered paid, chargeable to contingent fund, 263  
 Lydon, Thomas F., 428 (2 petitions)—ordered paid \$300 from contingent fund, 453  
 O'Gorman, Edward J., 360—ordered paid \$250 from contingent fund, 377

HOSPITAL DEPARTMENT:  
 McGrath, Thomas F., 428

PARK DEPARTMENT:  
 Edeson, Albert L., 258—ordered paid \$1,000 from contingent fund, 278

POLICE DEPARTMENT:  
 Brauneis, William, 59 (two petitions)—ordered paid \$108.51 and \$309.21 chargeable to contingent fund, 106  
 Crawford, Elmer R. (1938 Proceedings, 429)—ordered paid \$43.03 from contingent fund, 106  
 Fox, William A., 258—ordered paid \$75 from contingent fund, 278  
 Mahoney, Cornelius F., 258—ordered paid \$59.80 chargeable to contingent fund, 321  
 McNeill, Charles M., 59 (two petitions)—ordered paid \$250 and \$50 from contingent fund, 106  
 McKinnon, Wendell A., 159—ordered paid \$95, 226  
 Tooher, William L., 59—ordered paid \$308.91 chargeable to contingent fund, 106  
 Wagner, Albert F., 326—ordered paid \$800 from contingent fund, 348

## Claims, Continued

## reimbursements:

## PUBLIC WORKS DEPARTMENT:

Burke, John F., 326-ordered paid \$8.50 from contingent fund, 348  
 Ciocco, Cataldo, 407-(Ciocco)-ordered paid \$97 from contingent fund, 432  
 Coyle, Neil P., 112-ordered paid \$1,200 from contingent fund, 162  
 Craig, James P., 326-ordered paid \$25 from contingent fund, 377  
 Davern, Martin J., 441-ordered paid \$92 from contingent fund, 453, 454  
 Donlan, Frank, 112-ordered paid \$125 chargeable to contingent fund, 157  
 Glennon, Francis E., 290-ordered paid \$96, 322  
 Glynn, Bernard F., 461-ordered paid \$27.60, 493  
 Grimley, Arthur J., 271-ordered paid \$20.50 from contingent fund, 331  
 Kolf, Joseph P., 104-ordered paid \$19.20, 120  
 Levine, Max, 466  
 Marks, Edmond A., 466-ordered paid \$26.83, 493  
 McKenna, Edmund F., 290-ordered paid \$160 from contingent fund, 321, 322  
 McLaughlin, Edwin J. (two petitions), 312-ordered paid \$100 and \$50 from contingent fund, 331  
 Murphy, Neil M., 290-ordered paid \$100 from contingent fund, 322; 461-ordered paid \$200, 493  
 Napolitano, Pasquale, 217  
 O'Hern, John J., 152-ordered paid \$39.70, 225, 226  
 Pumphret, Arthur L., 59-ordered paid \$6.20 from contingent fund, 106  
 Veno, William H., 441-ordered paid \$140.01 from contingent fund, 453  
 Wenzel, Walter F., 394-ordered paid \$40 from contingent fund, 432

## SCHOOL BUILDINGS DEPARTMENT:

Thorp & Martin, 386

## SNOW REMOVAL LABOR:

Connolly, Joseph M., 23

## Claims Committee

members: Councilors Langan, chairman, Irwin, Galvin, Taylor, Kelly, 35

petitions: 11, 17, 23, 31, 44, 59, 72, 104, 112, 133, 134, 151, 159, 177, 196, 216, 241, 258, 271, 290, 291, 312, 326, 340, 360, 373, 386, 394, 399, 417, 418, 441, 452, 453, 474, 475, 486, 490, 497

reports: (8) 106; (2) 120; 157, 162, 225, 263, 278, 321, 331, 348, 361, 377, 388, 432, 453, 483, 493, annual report, 500

## Clerk of Massachusetts House of Representatives

resolution favoring legislative enactment establishing a Division of Citizenship in the Education Department and the notification of clerk of the House, passed, 86

## Coal

types of fuel for welfare recipients: checked for each family, order passed, 12

## weighers appointed:

BAXTER, RICHARD H., 324  
 BELLA, PETER J., 473-486  
 BISHOP, BENJAMIN, 457-468  
 BLANCHARD, DUANE P., 10-24  
 BRACEY, PERCY R., 473-486  
 BUCKE, GEORGE H., 485-491  
 CARR, JOHN, 457-468  
 CASSARI, PHYLLIS, 29-45, 46  
 CASSIDY, JOHN, 406-430  
 CROMPTON, GEORGE, 451-461  
 DEWOLFE, RICHARD B., 10-24  
 DITTEL, KURT, 435-453  
 DOHERTY, GEORGE, 457-468  
 FIGLER, ISADOR, 435-453  
 FINSTEIN, MAXWELL R., 352-378  
 GILLIS, WALTER, 158-186  
 GORMAN, GEORGE R., 397-409  
 HOLWAY, FRED, 15-24  
 HURLEY, CHARLES V., 406-430  
 JONES, ARTHUR D., 40-60  
 LEHMAN, WALTER, 10-24, 29-45, 46  
 LEVINE, SAMUEL A., 111-confirmed, 135  
 MAHONEY, JOHN F., HENRY S. HARMON and GEORGE LEE appointed November 20 (no page)-confirmed, 475  
 MACKENZIE, HUGH, 457-468  
 MALONE, WALDO, 15-24; 266-295  
 MCFADDEN, GEORGE W., 266-295  
 MCFUINNESS, THOMAS P., 111-confirmed, 135  
 MCKENZIE, HUEY, 10-24, 29-45, 46  
 MCLEAN, ASTOR B., 128-confirmed, 155  
 MILLER, EDWARD, 406-430  
 MORRISSEY, JOHN, 435-453  
 MOYNIHAN, CON, 128-confirmed, 155

## Coal, Continued

## weighers appointed:

MUNN, GEORGE E., 295  
 MURPHY, EUGENE L., 266-295; 305-328  
 NEITLICH, MOLLIE, 193-217  
 PETTINE, MICHAEL, 457-468  
 PICARDI, MRS. L. F., 457-468  
 RICHENBERG, PAUL J., Jr., 392-400  
 ROSENTHAL, HARRY, 381-395  
 STEPAT, JULIUS, 279-313  
 STEVENS, FREDERICK, 485-491  
 TAPLEY, WARREN F., 266-295  
 TINKHAM, RAYMOND W., 111-confirmed, 135

## Coleman Disposal Company

public works department see to compliance with sanitary regulations concerning garbage collection in Dorchester kept under cover, not exposed as at present, order passed, 402-message, communication, 436

## Collecting Department

interest charges: order for rescission of order making interest payable from October 1 instead of November 1, passed, 447-message, communication, 459

property non-advertisement: because of unpaid water bills, order passed, 203

resignation: of constable James J. McKiernan, 59

sale of properties for unpaid 1938 taxes: information from city collector, order passed, 36

## Commodities Station

change of location from Hampden and Eustis sts., Roxbury, to George Street school, 362-message, communication, 382, 383

## Compensation and Classification Plans

## changes:

establishing position of chief elevator operator at \$1,900, order referred to county accounts committee, 150, 151-passed, 331  
 registry of deeds cloak room attendant, \$1,000 to \$1,300, referred to county accounts committee, 150, 151-passed, 331

## Consolidation of Departments

submission of plan: under five heads for approval of Council, order for early submission by Mayor referred to executive committee, 249

## Constables

Animal Rescue League service: Connaughton, Joseph E., Frederick O. Houghton, Archibald C. McDonald, appointed, 170

## bond approvals:

Goldkrand, Samuel, received, 340  
 Greenbaum, Harry, 360  
 19 bond approvals, 258  
 12 names, 291  
 Uckerman, Aber, Walter J. Stewart, 313

## civil process with bond appointments:

Byrnes, Arthur E., 21-confirmed, 33-bond approved, 44  
 Cornish, Leonard Bushnell, 381-395  
 Cunningham, Joseph J., 305-328  
 Daunt, John J., John J. Dillon, Robert E. Donlan, John A. May, Max Rabinovitz, Almerindo Sarno, Frederick J. Sarno, Frank Shaw, appointed, 169-confirmed, 248, 291  
 DeSimone, Americo Armand, 381, 395-bond approval, 441  
 Dillon, John J., John A. May, Frederick J. Sarno, appointments indefinitely postponed, 295  
 Dillon, John J., confirmed, 259  
 DiSisto, Anthony J., 266-295  
 Esterman, David, 381-395  
 49 names appointed, 169, 170-bond approvals received, 241, 242  
 Franzosa, Louis, 473, 486-bond approval, 497  
 Goldkrand, Samuel, 305-bond received, 340  
 Graham, George A., 279-313  
 Greenbaum, Harry, 193-217  
 Harney, Michael, 211-confirmed, 248  
 Hecht, Abraham M., 193-217-bond approval, 387  
 Hunt, John, 236  
 Kaplan, David, 10-24-bond approved, 305-confirmed, 328  
 Keliher, James P., 40-60-bond approved, 73  
 Maffei, Salvatore, 406-430-bond approval, 453  
 Marston, William A., 381-395  
 May, John A., confirmed, 259  
 McCorkle, William J., 279-313  
 McDermott, James F., Jr., 473-486  
 McGrath, James, 279-313  
 McNamee, James J., 425-453-bond approval, 461

## Constables, Continued

**civil process with bond appointments:**

Mitchell, Frank, 211—confirmed, 248  
 Mullen, Bernard M., 169—bond approved, 271  
 99 appointed, 169—confirmed, 198—with 9 exceptions confirmed under Document 41, 217  
 Ober, Edward appointed, 169—bond approved, 271  
 Oppenheim, Bert, 193—217—bond approved, 271  
 Peters, James G., 169—bond approved, 271  
 Sarno, Almerindo, 169—bond approved, 271—confirmed, 248, 259  
 Small, Henry J. D., 169—bond approved, 271  
 Small, Leon, 169—bond approved, 271  
 Petterson, Carl L., 485—491  
 Reddish, Charles G., 324  
 Sarno, Frederick J., confirmed, 259  
 Staula, Frank J., 169—bond approved, 271  
 Stewart, Walter J., appointed, 266—confirmed, 295—bond approval, 313  
 Tepper, William, 412—430  
 Wragg, John A., 169—bond approved, 271

**civil process service without bond appointments:**

Foley, John J., *vice* Edward McCarthy, 397  
 Forristall, Charles L., 29—49  
 Hanna, Anthony, 29—45  
 Murphy, William J., 352—*indefinitely* postponed, 399  
 Nyhan, William F., *vice* Frederick Roche, 397—409  
 Schofield, Martin R., 352—*postponed* indefinitely, 399

**connected with official positions:** 82 appointed, 170—confirmed, 198

**Massachusetts S. P. C. T. A. service:** Allen, Harry L., appointed, 170  
**resignation:** Sarno, Alfred N., 258

**van drivers appointed by the Court:** Gargan, Patrick A., and Charles M. Shea, 170

## Constables Committee

**members:** Councilors Rosenberg, chairman, Taylor, Agnew, 57  
**reports:** 248

## Contingent Fund

**"BOSTON'S STREETS":** printing department authorized to print 1,000 copies revised to December 31, 1933, order passed, 36; duplicate order passed, 79

**CENTRAL LIBRARY REPAIR, \$10,000:** message and order for transfer, referred to executive committee, 358—passed, 431

**FIRE DEPARTMENT EMPLOYEE REIMBURSEMENTS:**

\$255, Daniel P. Dacey, 322  
 \$250, Edward J. O'Gorman, 377  
 \$50, Patrick J. Donlan, 106, 322  
 \$1,500 (three claims), John J. Doyle, 263  
 \$255, claim, 290—paid, 322, Daniel P. Dacey  
 \$54, claim, 290—paid, 322, Patrick J. Donelan  
 \$250, claim, 360—paid, 377, Edward J. O'Gorman  
 \$54, claim, 373—paid, 388, Gerald T. Cusick  
 \$300, claims, 428—paid, 453, Thomas F. Lydon

**HOSPITAL EMPLOYEE REIMBURSEMENTS:**

\$60, Joseph T. O'Halloran, 361  
 \$109, James J. Bean, 225, 226

**MOSQUITO CONTROL, \$300:** city's share due State, order referred to executive committee, 14—passed, 18

**PARK DEPARTMENT REIMBURSEMENT ORDER PASSED:** \$1,000, Albert L. Edson, 258

**POLICE DEPARTMENT REIMBURSEMENT ORDERS PASSED:**

\$108.51 and \$309.21, William Brauneca, 106  
 \$250 and \$50, Charles M. McNeill, 106  
 \$309.91, William, L. Toohar, 106  
 \$59.80, Cornelius F. Mahoney, 321  
 \$800, Albert F. Wagner, 348  
 \$600, Felix F. Sharkey, 483  
 \$43.03, Elmer R. Crawford (1938 Proceedings, 429), paid, 106  
 \$450, Timothy J. O'Keefe (1933 Proceedings, page 245), paid, 120  
 \$95, Wendall A. McKinnon, 226  
 \$75, William A. Fox, 278

**PUBLIC WORKS DEPARTMENT EMPLOYEE REIMBURSEMENT ORDERS PASSED:**

\$1,200, Neil P. Coyle, 162  
 \$8.50, John F. Burke, 348  
 \$25, James P. Craig, 377  
 \$40.56, Walter F. Wenzel, 432  
 \$97, Cataldo Ciacco, 432  
 \$96, Francis E. Glennon, 322  
 \$200, Neil M. Murphy, 493  
 \$62.50, Max Levine, 493  
 \$19.20, Joseph P. Kolb, 120  
 \$160, Edmund F. McKenna, 321, 322  
 \$100, Neil M. Murphy, 322  
 \$92, Martin J. Davern, 441—ordered paid, 453, 454  
 \$125, Frank Donlan, 157—paid, 226  
 \$39.70, John J. O'Hearn, 226  
 \$6.20, Arthur L. Pumphret, 106—paid, 226  
 \$160, Edmund F. McKenna, 321, 322

## Contingent Fund, Continued

**SHERIFF'S SALARY BALANCE:** for six months, order accepting Act of 1939 for payment and making amount chargeable to fund, passed, 272

**TRAFFIC SIGNALS, WARD 13:** order for signals at three intersections, passed, 483

**ZONING BOARD:** appropriation for 1939, \$1,500, message and order referred to executive committee, 359—passed, 376

## Contracts and Contractors

**architectural services:** city officials, army engineers or Boston citizens given preference, order passed, 12

**Boston citizen preference:** in employment under Boston Housing Authority work, order passed, 12

**notices of interest in contracts:**

Cauley, Mary W., text-book author, ordered by School Committee, 258

Ecker, James A., Director of Music, copies of "What the Flat Sings," filed, 159

Ellis, William H., of W. H. Ellis & Co., fender guard repairs, Meridian st. bridge, 112, 291

Parker, William Stanley, housing projects zoning, 112

Smith, Henry J., of Hornblower & Weeks, sales of various fund bonds, 112, 344

## Corrections in Minutes of Council

**Proceedings:**

January 16, 1939, acceptance and thanks following election to presidency of council for 1939, 84

October 2, report on \$150,000 loan, 424

October 23, *re* five-cent fare zone, 455

December 4, housing agreement, 488

## Council Chamber Repairs

resolution expressing appreciation and admiration for work done by building department superintendent, adopted, 389

## County Accounts Committee

**members:** Councilors Carey, chairman, Harris, Kelly, Lyons, Galvin, 35

**report:** 331

## County Coal Company

permit revocation order, page 340, 1938 Proceedings—message, communication, 69

## Custodian of Foreclosed Real Estate

transfer of control, care, custody of land on Albany st. to city public works department, order referred to executive committee, 270—passed, 276—message, communication, 288

## Demolition of Buildings

order for emergency repairs to properties adjacent to condemned buildings for safety of owners and tenants, passed, 218

## De Valera, Eamon, Past President of Irish Free State and Prime Minister of Republic of Eire

City Council resolutions of pleasure and extension to him and his people of best wishes for glorious and happy future, passed, 160

## Dies Congressional Committee

order that Boston City Council commend work of Committee in exposure of un-American activities, passed, 402

un-preambles and resolutions for continuation of investigation of un-American activities and commendation of Boston Congressmen votes referred to rules committee, 60; duplicate order referred to rules committee, 476—passed, 477

resolutions favoring continuation of work, appropriation for continuation and copies to be sent to President Roosevelt and Congress, referred to rules committee, 18

## Dillaway House, Roxbury

Gold Star Mothers' meeting place, order to arrange, passed, 192

**Division of Citizenship**

resolution favoring legislative enactment to found division in Department of Education as recommended by House Document 2100 of 1938 and House Bill 1934 of 1939, and notification to clerk of Massachusetts House of Representatives, passed, 86

**Dog Racing**

resolution for increase of State portion on track to 7 per cent, referred to executive committee, 376

**Dorchester Heights District**

transfer to United States as a national shrine commemorating evacuation of Boston by British Forces March 17, 1776, order passed, 19—resolution approving enactment, 24

**Dowd, Sheriff John F.**

message and communication and order for raise from \$4,000 to \$6,000 as fixed salary for sheriff, referred to county accounts committee, 159—message with withdrawal by sheriff of order for \$2,000 increase in salary, referred to county accounts committee, 269

**Driveway Openings Permits**

petition granted: see Ordinances, special permits for driveway openings

**Dumps**

closing public dump close to residential areas in Ward 18, order passed, 164, 165—message, communication, 213  
health department to consider closing in residential areas, order passed, 139  
vacant lots, against dumping, health and police departments cooperate, order passed, 222—message, communication, 257

**Dust Nuisance**

**Joseph Lee playground:** dust caused by condition of athletic field, order to abate dust condition, passed, 471  
**order for abatement on Huntington ave.** subway construction by oiling and cleaning up loose dirt, passed, 278—message, communication, 281—message, communication, 485

**East Boston Relief Station**

**congratulations:** to Mayor Tobin and Councilor Irwin upon successful efforts to have station reopened, 443  
**reinstatement, former employees:** all employees in old positions, order passed, 443—message, communications, 466  
**reopening:** order that Acting Mayor declare an emergency exists and that the station be reopened, passed, 96

**Eastern Massachusetts Street Railway Company**

amount of personal and real estate owned and description thereof, order for information from assessing department, passed, 322—message report, 339  
notice granting license to operate busses from Milton line to Park sq. received, 373, 374  
order for report on petition to operate busses between Fall River and Park and Haymarket sqs. for consideration of entire Council, order referred to jitneys committee, 107, 108  
petition to operate busses on Blue Hill ave. and Seaver st., veto from Governor Saltonstall requested, 120  
public hearing notice, 313  
statement by Councilor Taylor, by unanimous consent, *in re* bus terminal, 366

**Election Commission**

notice of January 1, 1939, militia eligibles, 144, filed, 258

**Election Department**

**law *in re* voting:** order to print and post conspicuously outside each voting place copy of General Laws, chap. 56, section 33, as amended by chap. 299 of 1939 Acts, passed, 419—message, communication, 437

**Election Notice, November 7**

**date designated:** for election of city council and school committee members and two referenda for ballots and order for lawful notice, order passed, 429

**Election Returns November 7, 1939**

notice received from board of election commissioners, 467

**COUNCILORS:**

Ward 1, James F. Coffey  
Ward 2, William J. Galvin, reelected  
Ward 3, Joseph Russo  
Ward 4, Perlie Dyar Chase, reelected  
Ward 5, Henry L. Shattuck, reelected  
Ward 6, Joseph M. Scannell  
Ward 7, Thomas E. Linehan  
Ward 8, William F. Hurley  
Ward 9, Daniel F. Sullivan  
Ward 10, William A. Carey, reelected  
Ward 11, Edward L. Englert, reelected  
Ward 12, Charles I. Taylor, reelected  
Ward 13, Edward A. Hutchinson, reelected  
Ward 14, Joseph J. Gottlieb  
Ward 15, John B. Kelly, reelected  
Ward 16, Philip Austin Fish, reelected  
Ward 17, John C. Wickes  
Ward 18, James J. Goode  
Ward 19, James M. Langan, reelected  
Ward 20, Theodore F. Lyons, reelected  
Ward 21, Michael J. Ward  
Ward 22, Maurice H. Sullivan, reelected

**MEMBERS OF SCHOOL BOARD:** Daniel J. McDevitt, Clement A. Norton, Joseph C. White

**VOTES ON TWO REFERENDA:** yes on both, 467

**Embargo Bill**

**committee relative to interests of Boston:** order to appoint representative citizens to confer with Congressmen *in re* passed, 433

**Emergency Finance Board**

**\$1,000,000 overlay deficit loan:** refunding loan approved, 441  
**\$1,000,000 tax title loan:** approved by Board, page 266, 1938 Proceedings, notice of approval of renewal, filed, 387  
**\$1,500,000 State deficit:** notice of approval of loan sent, 399  
**public works department, paving service:** for \$150,000 approved, 441  
**tax title renewal loan, \$2,000,000:** approval filed, 159, 345, 453  
**tax title loan \$1,500,000:** approval filed, 177  
**welfare and W. P. A. projects:** \$3,455,000 approval of loan, filed, 361

**Eminent Domain Proceedings**

**bonds:** filed against incidents of property takings, order for information, passed, 475  
**Boston Housing Authority:** communication *in re* security for takings by eminent domain, filed, 429  
**cessation until plebiscite November, 1939:** order referred to executive committee, 315, 316—passed, 319—message, communication, 393

**Endorsement of the Mayor's Legislative Bills**

1938 Acts, chap. 500, unexpended balances of Highway Fund; reimbursement of cities and towns by Commonwealth for care of needy persons; distribution of certain portions of Highway Fund, 24

**Englert, Edward L., Councilor, Ward 11**

**ward area:** Roxbury, south, and Forest Hills

**committee appointments:**

executive, finance, jitney licenses, chairman, ordinances, public lands, soldiers' relief chairman, 35

**improvements, Ward 11:**

**FOR DETAILS:** see Street, Squares, Circles, names

Amory st., 73  
Boynton st., 155, 188  
Brinton st., 347  
Child st., 120  
Codman Hill st., 347  
Hall st., 155  
Hampstead rd., 330  
Haverford st., Montebello rd. to Boylston st., 330, 378  
Heath st., 388 (with Councilor Carey)  
Lee st., 160  
McBride st., 48, 155, 418  
Newark st., 379  
Reyem Circle, 188  
Rosemary st., 330  
Walnut pk. (2), 155  
Weid ave., 188  
Williams st., 155

**Englert, Edward L., Councilor, Ward 11, Continued**

- orders:**  
 additional Jamaica Plain service, 34, 35 (with Councilor Langan)  
 five-cent fare zones, 447 (with Councilor Langan)  
 prohibition of autos from Franklin pk., 299  
 reference of unfinished business, 502  
 roping off streets, 192 (with Councilors Langan, Lyons, Carey)  
 special committees appointment, 31
- remarks:**  
 decision on gas rates, 419  
 reports of committees, JITNEY LICENSES, 116

**Escalators**

- Ashmont terminal: 19, 58  
 Northampton st. elevated station: 19, 58

**Executive Committee**

- members:** 22 councilors with Councilor Wilson, chairman, 13, 31, 35  
**petitions:** 11, 24, 31, 72, 134, 152, 159, 177, 197, 258, 271, 291, 312, 340, 360, 387, 394, 418, 453, 461, 467  
**reports:** 18, 24, 35, 59, 78, 79, 95, 106, 122, 140, 141, 156, 167, 191, 192, 209, 241, 246, 251, 262, 276, 277, 303, 304, 318, 326, 330, 366, 376, 387, 388, 400, 431, 449, 453, 462, 463, 468, 477, 478 to 483, 486, 490

**Federal Housing Projects**

- hearings in each ward to determine public sentiment *re* further housing projects, order passed, 301, 302  
 sentiment *in re* held by public of Boston for any further extensions, order referred to executive committee, 272—order passed after motion to lay on table failed, 277  
 survey of East Boston district as site for project, order passed, 35—message, communication, 58, 59

**Federal Surplus Commodities Division**

- indoor facilities:** for use of welfare commodities recipients during inclement weather, order to arrange with W. P. A. authorities, passed, 404  
**rancid butter distribution:** by local officials of Federal division, order to confer with reference to complaints, passed, 332

**Finance Commission**

- member and chairman appointed:** by Governor Saltonstall, notice received from Secretary of State, filed, 461  
**American Legion highway:** report *in re* public works department announcement of an extensive redecoration of highway, filed, 258, 259  
**Boston Elevated:** reports received, filed, 291, 292, 299, 326, 327, 340, 341  
**city hospital nurses report:** received, filed, 105  
**conduct of attorneys and doctors in accident hospital cases:** report sent Council, 400, 401—408, 409  
**hospital:** report, 178 to 184, inclusive, nurses' training school at City Hospital, 197, 198  
**Meridian st. bridge alteration:** report sent, 394, 395, 431, 432  
**report of investigation of City hospital:** order for report (no action taken), 390  
**report on Boston Elevated:** to Council submitted, resolution favoring, referred to executive committee, 299—reports accepted, 400, 429, 443, 447, 453  
**street patching:** report received, filed, 292, 293, 294, 295  
**Suffolk County Court House:** report received, filed, 341, 342, 343, 344  
**taxicab situation:** report with minority exceptions, referred to executive committee, 44, 45—report filed, 48—committed to executive committee, 48

**Finance Committee**

- members:** Councilors Shattuck, chairman, Fitzgerald, Agnew, Englert, Taylor, Irwin, Kelly, 35—Councilor McMahon, *vice* Councilor Taylor, resigned, 120  
**reports:**  
 400, 429, 443, 447

**Fire Department**

- Acts of 1939, chap. 237: for pensioning firemen, order for acceptance of Act, referred to executive committee, 330—passed, 330

**Fire Department, Continued**

- burying wires:**  
 Jerome st., Ward 13, order passed, 402—message, communication, 416  
 Ward 10, Evergreen, Hillside, Round Hill sts. and St. Albans rd., order passed, 346  
 Ward 13, Balfour, Dean, Romsey, Saxton, Wayland sts., order passed, 347; also Jerome st., 402
- comparative annual fire losses:** during past ten years and any changes in insurance rates during the period, order passed, 242—message, communication, 284—message, communication, 372
- cooperation with Somerville:** that Somerville fire department shall answer all calls in Sullivan sq., district of Charlestown, order passed, 140—message, communication, 175
- department pensions and annuities fund orders for payment:** O'Brien, Mrs. John W., and two children, \$1,400, 106
- Grove Hall section, Dorchester:** additional firemen to fill vacancies, order passed, 441—message, communication, 453
- Grove st. section fire station:** consider establishing, order passed, 223—message, communication, 285
- pension plan:** pensioning after twenty-five years' service, bill vetoed, 70
- pensioning disabled firemen:** resolution favoring legislative enactment, for those injured in line of duty, passed, 156
- pensions and annuities:** 193, 217, 244, 258, 366, 418, 461, 486 (from department fund)
- reimbursements of employees claims paid from contingent fund:** \$50, claim, 23—paid, 23; \$54, claim, 290—paid, 322 (Patrick J. Donelan) \$1,500 (three claims), paid, 263 (John P. Doyle)  
 \$255, claim, 290—paid, 322 (Daniel P. Dacey)  
 \$250, claim, 360—paid, 377 (Edward J. O'Gorman)  
 \$54, claim, 373—paid, 388 (Gerald T. Cusick)  
 \$92, claim, 441—paid, 453, 454 (Martin J. Davern)
- resolution:** approving legislative enactment authorizing pensions for twenty-five years' service, passed, 47
- search for missing children:** police and fire departments cooperate in search for Elizabeth Roche and Lawrence Bowles, aged seven, order passed, 66
- transfer:** to public works department, Marion st. fire station, East Boston, referred to executive committee, 43—passed, 48
- transfers referred to executive committee:** from election and fire departments, \$2,000 each, 399, 400
- transfers within departmental appropriation, referred to executive committee:**  
 \$3,000, 398  
 \$2,000, 387

**Fish, Philip Austin, Councilor, Ward 16**

- ward area:** Dorchester, south
- committee appointments:**  
 executive, jitney licenses, printing, soldiers' relief, 35  
 license fees, chairman, 57
- improvements, Ward 16**  
**FOR DETAILS: see Streets, Squares, Circles, names**  
 Arbroth st., 80, 188  
 Arbroth st., Train st. to Laban Pratt rd., 188  
 Ashmont pk., 402  
 Burgoyne st., 477  
 Cedar Grove st., 477  
 Dorchester ave., 484  
 Flavia st., 470  
 Gallivan blvd., 25  
 Laban Pratt rd., 188  
 Laban Pratt rd., Boutwell to Westglow st., 188  
 Laban Pratt rd., 80  
 Van Winkle st., 403, 477
- motions:**  
 sixth ballot for Council President, 20
- orders:**  
 allocation of State Highway Fund, 242  
 Boston Elevated deficits, 242  
 Boston Elevated situation, 186 (with Councilors Hutchinson, Rosenberg, Wilson, Kelly)  
 enforcement, parking regulations, Dorchester, 486  
 holiday, July third, 329  
 municipal stadium, Ward 16, 25  
 removal of tracks, Dorchester ave., 25  
 sanding city-owned beaches, 242  
 shutting-off water, 259
- points of information:** executive committee reports, taxicabs, 48
- remarks:** executive committee reports, dog-racing track, 56
- resolutions:**  
 appreciation of services of Joseph P. Manning, 218 (with Councilors Rosenberg, Kerrigan, Kelly)  
 Boston College football team, 484

**Fitzgerald, Mr. and Mrs. John F.**

City Council resolution expressing congratulations on golden or 50th wedding anniversary, adopted, 401

**Fitzgerald, John I., Councilor, Ward 3**

**ward area:** Boston proper

**committee appointments:** executive, finance, prison inspection, chairman, legislative matters, public lands, rules, chairman, 35

**improvements, Ward 3:**

FOR DETAILS: see Streets, Squares, Circles, street names  
Allen st., at Charles st., 389  
Ashland st., 300  
Commerce st., 105  
Hudson st., 395  
Park st., 65  
Prince st., 119  
Somerset st., 328

**motions:**

first ballot, 9; second, 10; third, 11; fourth and fifth, 12; eighth, 25; ninth, 26

previous question: public hearings on Federal housing, 302  
resolution (Senate Bill 5) indefinitely postponed, 303

**orders:**

acceptance, building code as amended, 361  
appropriation from Parkman Fund, comfort station, Charlesbank pk., 361

baseball diamond, Charlesbank pk., 261

bills *re* increase in salary, 155

conditions *re* Huntington ave. subway, 250

convenience station, old Franklin school, 387

filling police vacancies, 389

information *re* personnel of police department, 160

improvements, North End beach, 328

improvements, Prince Street playground, 119

inspection of dwellings by social agencies, 430

interest on home mortgages, 135

investigation, busses using streets as stations, 367

opposition to Senate Bill 374, 246

payment to Daniel A. Whelton, 483

payment to widow of John A. Keliher, 272 (2 orders)

playground, Albany st., South End, 107

playground, North End, 106

playground, West End, 107

reconstruction of West End church, 260

reopening Haymarket relief station, 96, 430

shuttle line, North-South stations, 300

use of Bowdoin schoolyard, 300 (with Councilor Shattuck)

**ordinances:** liens for unpaid water rates, 328

**points of information:**

appropriation for streets, 261

report of committee requested, 351

reports of committees: ORDINANCES, 162

**point of order:** reports of committees: ORDINANCES, vending machines 162

**reconsideration:** sidewalks and foundations, Huntington ave., 244

**remarks:**

abatements to widows, etc., 203

acceptance of land, West Roxbury, 487

Bills *re* increases in salary, 155

convenience station, old Franklin school, 387

filling police vacancies, 389

final proceedings, 504

inspection of dwellings by social agencies, 430

investigation, busses using streets as stations, 367

opposition to Senate Bill 374, 246

opposition to suggested new taxes, 46

reopening Haymarket relief station, 96

report of committee requested, 351

reports of committees: EXECUTIVE, 247, 248, 479; ORDINANCES, 164;

PRISONS, 491, 492; RULES, 123, 444

traffic lights, Allen and Charles sts., Ward 3, 389

**resolutions:**

opposition to suggested new taxes, 46

payment to father of Joseph Taylor, 34; to mother of John McGonagle,

34; to parents of Joseph Puliatti, 34; to widow of Sheriff Keliher,

135

support of Senate Bill 5, 97

"Traveler" campaign for reduction of accidents, 430

**statement:** dog racing, 89, 90

**unanimous consents:** for statement *in re* alleged defense of former Sheriff Dowd, 500

**Food Stamp Plan**

**committee appointment:** request for establishment in Boston, order passed, 434

**"For Sale" Signs**

on tax title properties, also up-to-date list of all property owned by city through default of taxes for real estate men and possible purchasers, order passed, 166

**"Forty Onward League"**

Mayor Tobin to appoint competent committee to study and report on unemployment for those over forty years of age, importance to be laid on ability, not age, order passed, 165

**Franklin Field Stadium**

George Robert White Fund to provide expense of erection, order to consider erecting, passed, 191

**Galvin, William J., Councilor, Ward 2**

**ward area:** Charlestown

**committee appointments:**

executive, claims, county accounts, Parkman fund, printing, 35

building code, public welfare chairman, tax title property, 57

**improvements, Ward 2:**

FOR DETAILS: see Streets, Squares, Circles, street names

Austin st., 454

Chapman st., 454

**motions:**

appreciation for Council Chamber work, 389

liquor licenses near churches, 433

next meeting, 333

opposition to Senate Bill 374, 246

publication appropriation balance transfers, 468

report of appropriations committee-highway fund, 251

roll call on cemetery matter, 400

taxicab situation report referred to executive committee, 44, 45

unanimous vote for Council President, 27

**objection:**

Councilor Norton's statement *re* dog track, Hyde Park, 37

**orders:**

acceptance of chap. 237, Acts of 1939, 330

annuities to families of City hospital employees, 119

appeal of gas decision, 424 (with Councilor Irwin)

Barry playground improvements, 454

beach in Charlestown, 275 (2 orders)

bronze radiotone of Councilor Harris, 332 (with Councilor Irwin)

Bunker Hill as national shrine, 140

cooperation with Somerville fire department, 140

data *re* abatement of taxes, 264

election, public utilities commissioners, 424 (with Councilor Irwin)

emergency assistance to persons in dire need, 119

emergency hospital service, Charlestown, 167, 433

guard rails on bridges, 484

hearings in each ward on housing projects, 278

leave of absence to Spanish War veterans, 302

memorial, World War Veterans, Charlestown, 248 (2 orders)

monument in memory of Veterans of World War, 84

moving families ejected by housing projects, 302

preference to welfare recipients on snow work, 140

printing schedules of fees for licenses and permits, 17

retention of insurance policies by welfare recipients, 109

safety island, Henley, Park and Warren sts., 411

shower bath in Copley school, Charlestown, 366

stairway, City sq., 411

traffic conditions, City sq., Charlestown

training in aviation mechanics, 192

use of school buildings by private organizations, 80

warning signals, Bunker Hill monument, 264

welfare allotment to snow workers (2 orders), 140

welfare payments before Christmas, 484

**points of information:**

dog track, Hyde Park, 38, 39

loss to Elevated through out-of-town bus lines, 95

publication, appropriation balance transfers, 468

**remarks:**

commendation of police and fire departments, 121

Councilor Wilson's announcement of ward hearings, 304

emergency hospital service, Charlestown, 167

expenditures of Court House Commission, 245

hearings in each ward on housing projects, 278

investigation, busses using streets as stations, 367

liquor licenses near churches, 433

loss to Elevated through out-of-town bus lines, 95

moving families forced to vacate, 298

**Five-Cent Fares Zones on Elevated**

**conference:** with members of Boston Elevated Railway Company, order passed, 462

**no changes in following zones:**

Dudley st.-Arborway, Subway-Arborway, Hyde Park-Forest Hills,

Centre st.-Belgrade ave., order passed, 447

see pages 332, 333, 352, 441, 442, 443, 447, 450, 454, 455

**Galvin, William J., Councilor, Ward 2, Continued****remarks:**

non-support proceedings, 26  
 officers of the Boston Taxpayers' Alliance, 260  
 opposition to House Bills 1447 and 1583, 122, 123  
 payment to resident owners of homes taken in housing projects, 275  
 protection for investigators, visitors, etc., 208  
 public hearings on Federal housing, 301  
 reopening Haymarket relief station, 96  
 reports of committees, EXECUTIVE, 50, 51, 262, 277  
 reports of committees, JINEXY LICENSES, 118, 119  
 retention of insurance policies by welfare recipients, 109  
 use of school buildings by private organizations, 80, 81 (with explanatory notes)

**resolutions:**

appreciation for Council Chamber work, 389  
 automobile insurance rates, 430, 431 (with Councilors Hutchinson and Sullivan)  
 commendation of action of Headmaster Robert B. Masterson, 84 (with Councilor Sullivan)  
 observance of Bunker Hill day, 322 (by Councilor Irwin)  
 old age assistance to persons of sixty, 109  
 opposition to House Bills 1447 and 1583, 122  
 reinstatement of Dennis F. Guthrie, 17  
 resignation of Justice Louis D. Brandeis, 80 (with Councilors Sullivan, Hutchinson, Rosenberg)

**vote doubts:**

expenditures of Court House Commission, 246  
 reports of committees: EXECUTIVE, 277

**Gas Rates**

order for Governor Saltonstall to use every effort to oppose recent rate increase by Boston Consolidated Gas Company, passed, 419  
 order to appeal to Supreme Court from decision of Utilities Commission, passed, 424  
 rescission, decision on rates, to confer with Public Utilities Commission to compel withdrawal of increase to small consumer, order passed, 418

**George F. Parkman Fund**

see Parkman (George F.) Fund

**George Robert White Fund**

see White (George Robert) Fund

**Gift to City**

land for playground, Mill and Mt. Vernon sts., message and order for acceptance of deed with terms, referred to executive committee, 30, 31-passed, 35

**Gold Star Mothers**

meeting place in Dillaway House, Roxbury, order to arrange, passed, 192

**Goods****weighers appointed, confirmed:**

CASEY, ROBERT J., 457-468; COLE, KENNETH C., 392-400  
 CROMPTON, GEORGE, 451-461; DUGOAN, WALTER F., 111-confirmed, 135  
 EARLE, ROBERT F., 435-453; EDWARDS, PAUL, 486  
 FAY, RICHARD T., 457-468; 473-486; FLOYD, LUCIUS H., 142-confirmed, 159  
 FREYGANO, CHARLES J., 142-confirmed, 159; GARLAND, Otto G., 324-345  
 GILLETT, RALPH C., 40-60; GRANT, FRANCIS O., 457-468  
 HAOPIAN, GEORGE, 266-295; HENDERSON, WALTER, 451-461  
 HODOES, FRANK E., 473-486; HURLEY, CHARLES V., 457-468  
 JACKSON, GILBERT, 435-453; KARAKIAN, GEORGE, 266-295  
 KAZANJIAN, OSCAR T., 158-186; KEANE, MICHAEL, 473-486  
 KENNEDY, DORIS, 473-486; KETTENDORF, HENRY S., 381-395; 397-409  
 KELLY, DANIEL J., 68-107; KENNEY, WILLIAM H., 211-248  
 KROCKMAL, WALTER, 266-295; NOBLE, ABRAHAM, 473-486  
 O'BRIEN, JOHN E., 68-107; O'CONNOR, WILLIAM J., 211-248  
 O'HALLORAN, JOHN F., 352-378; PARKS, GUY L., 266-295  
 PESHIN, JOHN, 111-confirmed, 135; RATIOAN, JOHN H., 266-295; 334-361  
 SHEA, GERALD F., 334-361; SHIELDS, JOSEPH, 324-345  
 SOUCLE, FRANCIS P., 392-400; TAYLOR, CLARENCE E., 457-468  
 TOYE, CHARLES J., 381-395

**Governor Andrew Portrait**

\$25 for repair chargeable to Phillips Street Fund, message and order referred to executive committee, 14-passed, 18

**Graves Registration Officer**

appointed by the Mayor, Richard F. Tobin, attached to Soldiers' Relief Department, for term ending December 31, 1939

**Greyhound Racing Corporation**

petition for approval of greyhound racing at Boston Garden, 59-granted, 85

**immediate action on permit:**

resolution such action necessary referred to executive committee, 89-passed, 95  
 order to present officially to Acting Mayor for action, referred to executive committee, 89-passed, 95

petition for approval to conduct dog racing at Boston Garden, North Station, motion for reference to rules committee, roll call requested, referred to rules committee, 134-petition granted, 141-message with veto filed, 142

legality of approval of petition for dog racing at Boston Garden upheld by Supreme Judicial Court of Massachusetts, communication filed, 134, 135

**Grove Street Section, West Roxbury**

survey in re possibility of installing sewers and constructing streets order passed, 223

**H, Relief Projects**

transfers: from election department, \$2,000, and library department \$2,000, referred to executive committee, 399-400

**Hackney Carriages**

order for information as to gross and net revenue for past five years also from issuance of badges, order passed, 56-message, communication, 68, 99, 100, 101

**Hand Bills Distribution**

message, communication and ordinance referred to ordinances committee, 473

**Harris, Mildred M., Councilor, Ward 9**

ward area: Roxbury Center

**committee appointments:**

executive, county accounts, printing, soldiers' relief, 35  
 public welfare, 57

bronze radiotone of picture of Councilor Harris as first woman to serve as councilor, order by Councilors Galvin and Irwin, 332-passed by executive committee, 366

motions: next meeting September 11, 388

**orders:**

barrier on Muddy river, 73 (with Councilors Chase and Carey)  
 improvements, William E. Carter playground, 389  
 membership in Boston retirement system, 449  
 plans for erection of child center, Ward 9, 363  
 printing MUNICIPAL REGISTER, 136  
 room for Gold Star mothers, Dillaway House, 192 (with Councilor Lyons)  
 search for missing children, 66

**remarks:**

confirmation of appointments, January 23, 45  
 final proceedings, 505

**resolutions:**

payment to father of Robert Stapleton, 186  
 permanent employment of John Newton, 24  
 reinstatement of Fulton P. Wesson, 107

**Hart Bus Lines, Inc.**

petition to reissue license in name of Saugus Transit Company, 291

**Haymarket Relief Station**

reopening: see Hospital Department, reopening Haymarket Relief Station, or page 96

**Headmaster Robert B. Masterson**

resolution of Council commending official actions preventing attempt of Communists to gain foothold in Boston schools, referred to rules committee, 84



Health Department

**inspector appointed:** housing and sanitation division, Gerald A. Barry, 490

**secretary appointed:** Joseph A. Cahalan, 497

**City Fuel Company:** immediate investigation of coal dust nuisance at property on Border st., East Boston, order passed, 79

**clean rubbish from vacant lots:** throughout city, order passed, 365—message, communication, 370

**dwellings inspectors:** conference with department *in re* violation of Acts 1885, chap. 382, section 23, order passed, 430—message, communication filed, 451, 452

**Federal Surplus Commodities Division:** rancid butter, complaints at commodities stations, order for conference with local officials of Division, passed, 332—message, communication, 353, 354

**garbage and refuse dumping:** take steps to prevent, order passed, 222

**Rutland sanatorium:** rescind present ruling requiring bond of \$1,650 for admittance, order referred to hospitals committee, 61

Health Units

**Central Dorchester district:** order for construction from income of George Robert White Fund, page 430 in 1938 Proceedings—message, communication, filed, 193

**Franklin Field:** order to include in 1940 program erection from White Fund, passed, 433

**Ward 14:** near Blue Hill and Talbot aves., through George Robert White Fund, order to consider, passed, 107—message, communication, 193

Highway Fund

**appropriation:** message and order for allocation of \$1,194,300 balance—\$800,000, personal service, public works department; snow removal, \$369,300; reconstruction of streets, \$25,000, referred to appropriations committee, 170 (error, *see* substitute orders, pages 251, 321 for public works order)

**appropriations committee report:** on disposition of \$1,194,300 fund, order for \$520,000; appropriation to paving service of public works department, passed, 251

**appropriation, \$255,000:** for personal service, public works department, paving service, revised order (\$520,000) for \$255,000, report of executive committee accepted, order passed, 321

**disposition made of check (\$1,000,000) received,** order for information from auditing department, passed, 165—message, communication, 171; *see also* Legislative Acts, Bills, General Laws, 1938 Acts, chap. 500

**disposal of receipts:** \$2,063,650, street lighting; bridge maintenance; traffic policing; street maintenance and repair; traffic lights and signals; snow removal, communication from chairman, filed, 360

**endorsements by City Council of Mayor's legislative bills, resolutions,** passed, 24

**sum set aside for installation of traffic lights at most dangerous frequency-accident intersections,** order passed, 109

**allocation:** order approving, passed, 242

Hospital Department

**annuities to families of employees:** legislative enactment for annuities to families of those injured or contracting disease from work in hospitals, order passed, 119—message, communication, 124, 125

**Boston city hospital:**

**ADDITIONAL NURSES:** order for 100, referred to executive committee, 93—new draft of order passed, 95—message, communication, 214

**"AMBULANCE CHASINO":** disciplinary measures for doctors and employees, order passed, 445, 446—message, communication, 464, 465, 466

**AMENDMENT OF REGULATIONS:** prohibiting children, twelve years or under, being held for observation, if necessary, order referred to hospitals committee, 189

**APPRECIATION OF SERVICES OF JOSEPH P. MANNING:** resolution of City Council expressing appreciation of unpaid and untiring devotion making the hospital the greatest institution of its kind in the world, passed, 218

**CARE OF NURSES:** contracting diseases in performance of duty, order for fair provision, passed, 475, 476

**CONDUCT OF ATTORNEYS AND DOCTORS:** *in re* accident cases, order for copy of finance commission passed, 390

**DOCTOR IN ACCIDENT WARD:** attendance at all times, order referred to hospitals committee, 74

**DRINKING WATER FACILITIES** for persons in waiting rooms and outpatient departments, order passed, 388, 389—message, communication, 397

**ELEVATOR SERVICE:** order to restore service in main building, between first and third floors, where Settlement Office is situated, passed, 391—message, communication, 397, 398

Hospital Department, Continued

Boston city hospital:

**EXPECTANT MOTHERS' HOSPITALIZATION:** arrange for admittance of mothers whose husbands are on W. P. A. or welfare and others in poor financial condition to maternity ward without payment of fee, order as amended, passed, 167, 168—message, communication, 228

**HEARINGS:**

**officials of Massachusetts Division of Registration in Nursing to be invited to attend hearing held by hospitals committee at City hospital together with superintendents of other large Boston hospitals,** order passed, 93

**special committee to hold meeting fixing date during current week to consider order above and to serve notice on hospital trustees, orders referred to executive committee, 219, 220—passed, 223**

**INFORMATION FROM TRUSTEES:** under thirty heads *in re* nurses and patients data, order referred to executive committee, 91, 92, 93—passed, 95—report of finance-committee, 105

**INFORMATION re PREVIOUS ORDERS:** on February 20 and 27, order passed, 203, 204

**INVESTIGATION OF CONDITIONS:** order for Council hospitals committee to report its findings, referred to hospitals committee, 96

**LIVING CONDITIONS, HOURS OF LABOR:** investigate need of additional nurses and service requirements, order passed, 87—report of finance committee, 105

**OBsolete X-RAY FILM DISPOSAL:** after advertisement in *City Record* inviting bids for sale of 4,365 pounds of films, order referred to executive committee, 124—passed, 141

**PENSIONS:** Fewkes, Ernest E., 347

**PHYSIOTHERAPY AIDE EXAMINATION:** information requested order, pages 399, 400, Proceedings of 1938—message, communications, 21, 22

**REINSTATEMENT, FORMER EMPLOYEES:** all employees in old positions, order passed, 443

**RELOCATION, TELEPHONE SERVICE:** request New England Telephone and Telegraph Company to relist in more expedient and accessible manner, 157 (no Council action taken)

**REOPENING HAYMARKET RELIEF STATION:** order for conference with trustees *in re* passed, 430

**SATURDAY MORNINGS OFF:** during summer, order to give clerical helpers, passed, 297, 314—message, communication, 337, 338

**SOLICITATION OF CASES:** information as to previously requested data, order passed, 296—report from finance commission received, 408, 409

**SUPERINTENDENT OF NURSES:** order through Acting Mayor the trustees of hospital to summarily discharge the superintendent of nurses, referred to hospitals committee, 96

**Boston sanatorium:** \$100 restored to budget for transportation of entertainment talent for patients, order passed, 248—message, communication, 289, 290

**clinic for Old Harbor Village:** Boston Housing Authority to establish, order passed, 60—message, communication, 102

**cooperation of respectable physicians in hospital investigation** being made by Council hospitals committee, order passed, 93, 96

**emergency service, Charlestown:** at the White Fund Unit, order passed, 167

**finance commission report:** *re* nurses' training school, filed, 197, 198

**information from finance commission in re** orders, pages 91, 92, 93, 109, 110, order passed, 139

**information from trustees in re** orders, pages 91, 92, 93, 109, 110, orders passed, the second as amended, passed, 137, 138, 139

**information re city hospital:** under twenty-three heads from trustees, orders passed, 109, 110

**regulations amendment:** prohibiting children, twelve years or under, being held for observation, if necessary, order referred to hospitals committee, 189

**reimbursement to employees:** (2), 226

**reopening East Boston Relief Station:** order that Acting Mayor declare an emergency exists and the station be opened, passed, 96

**reopening Haymarket Relief Station:** order to request, passed, 96

**service in Charlestown:** Mayor and hospital trustees to confer for maintenance of continuous service, order passed, 433

**transfers:** to public works department, parental school property, West Roxbury, order referred to executive committee, 43, 44—passed, 79

**transfers within departmental appropriation:** passed, 449

\$3,000, referred to executive committee, 415

\$1,000, referred, 415

\$1,500, referred, 415

Hospitals Committee

**members:** Councilors Kerrigan, chairman, Carey, Kelly, Rosenberg, Langan, 57

### Housing Projects Plebiscite

at city elections, for expression of approval or disapproval of extension of low-rent housing or proposed ten-year plan by Housing Authority for finally housing 35,000 Boston families at \$191,000,000 expenditure, order passed, 309

### Housing Situation in Boston

statement and inquiry *in re* by Councilor Norton, 470

### Huntington Avenue Subway

**air-compression** hammering on W. P. A. contract to cease at 10 p. m., order passed, 87—message, communication, 102  
**conditions:** appointment of committee of five to confer with Boston Transit Commissioners relative to subway, order passed, 250—message, communication, 267  
**dust nuisance:** abate by cleaning and oiling during construction, order passed, 278—message, communication, 281  
**order** to expedite work on water main from Brigham circle to overpass on Huntington ave., passed, 135, 136

### Hutchinson, Edward A., Jr., Councilor, Ward 13

**ward area:** Dorchester, north

**committee appointments:**

executive, Parkman fund, 35

license fees, public safety, public welfare, 57

**amendment:** officers of Boston Taxpayers' Alliance, 260

**improvements, Ward 13:**

**FOR DETAILS:** *see* Streets, Squares, Circles, names

Annapolis st., 411

Austin ave., 410

Bakersfield st., 207

Balfour st., 207, 347

Bird st., 207

Blue Hill ave., at Quincy st., 483

Brook ave., Roxbury, 189

Brookford st., 222

Buttonwood st., 470

Columbia rd. reservation, erection of shelter, 395

(35) Cushing ave., 402

Cushing ave., 430

Dacia st., 207

Dean st., 347

Denny st., 156

Dewey st., 207

Dorchester ave., at Crescent ave., 483

Dorchester ave., at Savin Hill ave., 483

Dove st., 208

Downer ave., 410

Everett ave., 207

Fairbury st., 207

Fayston st., 378 (with Councilor Rosenberg)

Garden st., 347

Hinckley st., 207

Howard pl., 264

Ingleside st., 300

Jerome st., 208, 402, 430

Letterfine ter., 300

Mascoma st., 207

Mayfield st., 155

Monadnock st., 155

Morrill st., 207

Newport st., 155

New Woodcliff st., 500

Robinson pl., 348

Romsey st., 347

Sargent st., corner of Hartford st., *also* corner of Howard ave.,

middle of Sargent st., 332

Savin Hill ave., 136

Sawyer ave., 80

Saxton st., 347

Upham ave., 155, 402

Ward 13 streets, 120, 378

Wayland st., 207, 347

Whitby ter., 449

Woodcliff st., 207; Woodcliff st., at Cunningham st., 332

Woodward Park st., 300

**motions:** reports of committees: EXECUTIVE, 424

**orders:**

abolition of grade crossing, Bird st., 207 (with Councilor Kelly)

action against non-resident employees, 242 (with Councilor Sullivan)

barring trucks from Pleasant st., 411

Boston Elevated situation, 186 (with Councilors Rosenberg, Wilson,

Kelly, Fish)

branch library, Ward 13, 61

bus line, Savin Hill-City Hospital, 136

cleaning Ward 13 streets, 47

extension of conservation of eyesight class, 96

five-cent fare, Savin Hill-Dudley st., 454

flooding McConnell pk., Savin Hill, 487

### Hutchinson, Edward A., Jr., Councilor, Ward 13, Con.

**orders:**

flooding Ronan pk. and Ceylon st. playground, 500

hockey rinks at Savin Hill playground, 500

investigation of city hospital conditions, 96

land for playground, Alexander st., 378

milk allowance to welfare recipients, 26

monthly lottery for relief purposes, 277

naming, Father John B. DeValles sq., 419

obligatory residence in Boston for teachers (2 orders), 199 (with

Councilor Sullivan)

officers of Boston Taxpayers' Alliance, 260 (later identified as an

amendment)

opening schoolyards, Ward 13, 277

opening to vehicular traffic tunnel at Broadway and Dorchester ave.,

362

removal of car tracks, Savin Hill ave., 107

residence of city teachers within city, 161 (with Councilor Sullivan)

superintendent of nurses, city hospital, 96

survey of housing projects, 276 (with Councilor Sullivan)

traffic signals, 483 (2 orders)

transfer, land to park department, 396

withholding payment to National Fireworks Company pending investi-

gation of damage, 348

**points of information:**

officers of Boston Taxpayers' Alliance, 260

reports of committees: EXECUTIVE, 331

traffic signals, 484

**points of order:** information from hospital trustees, 138

**remarks:**

monthly lottery for relief purposes, 277

obligatory residence in Boston for teachers, 199

officers of Boston Taxpayers' Alliance, 260

reports of committees: EXECUTIVE, taxicabs, 49; vending machines,

210, 303, 423, 479

residence of all city teachers within city, 161

traffic signals, 483, 484

**resolutions:**

action against non-resident employees, 242, 243 (with Councilor

Sullivan)

automobile insurance rates, 430, 431 (with Councilors Galvin and

Sullivan)

protest to W. P. A. relief cut (three resolves), 139 (with Councilor

Sullivan)

resignation of Justice Louis D. Brandeis, 80 (with Councilors Rosen-

berg, Sullivan, Galvin)

### Increase of Sheriff's Salary

a fixed salary of \$6,000 instead of \$4,000 annually, message, communication and order referred to county accounts committee, 139

### Indemnity Insurance Company of North America

bonding Boston American League Baseball Company, 152

### Institutions Department

**Long Island appropriation, \$87,550.05:** message and order, from available balances, referred to executive committee, 466—passed, 468

### Insurance

**lower fire rates:** conference with fire commissioner to obtain lower rates, order passed, 36

**retention of policies for six months:** permit recipients of welfare to retain for six months after being put on welfare rolls, order passed, 109

### Investigation of Radical Movements

**Boston Police Radical Squad:** order for complete report of investigations to City Council referred to executive committee, 74, 75, 76, 77, 78—passed, 79

**Dies Congressional committee:** resolution for investigation of movements in Boston referred to executive committee, 74, 75, 76, 77, 78—passed, 79

**printing department:** order to print 50,000 copies for distribution to citizens, referred to executive committee, 74, 75, 76, 77, 78—passed, 79

**statistics department:** order for analysis of findings of Dies Committee of Congress, referred to executive committee, 74, 75, 76, 77, 78—passed, 79

**Irwin, Francis W., Councilor, Ward 1**

ward area: East Boston

**committee appointments:**

building code, license fees, tax title property, chairman, 57  
 claims, finance, legislative matters, public lands, chairman, soldiers' relief, 35  
 escort to Mayor Tobin upon delivery of annual message, 1  
 executive

**improvements, Ward 1:**

FOR DETAILS: see Streets, Squares, Circles, street names  
 Beck st., 347  
 Bennington st., 46  
 Bennington st. (2 orders), 136  
 Curtis st., 347  
 Leyden st., 387, 462  
 Whitby st., 388

**motions:**

finance commission report *re* Elevated favored, 299  
 next meeting (2 weeks), 333  
 recess, 365  
 reports of committees, EXECUTIVE, 321

**orders:**

appeal of gas decision, 424 (with Councilor Galvin)  
 baseball season facilities, Ward 1, 210  
 bronze radiotone of Councilor Harris, 332 (with Councilor Galvin)  
 change of free milk delivery station, 259  
 condemning public statements on pending matters, 33  
 conditions of City Fuel Company, Border st., East Boston, 79 (by Councilor Agnew)  
 election, public utilities commissioners, 424 (with Councilor Galvin)  
 immediate action on dog racing permit, 89  
 inclusion of basketball in high school sports curriculum, 365  
 investigation of pet shops, 136  
 naming William C. Kelly sq., 409  
 objection to House Bill 1722, 108  
 playground, Jeffries Point, East Boston, 108  
 reinstatement former employees, East Boston relief station, 443 (by President Murray)  
 reopening East Boston relief station, 96  
 roping off East Boston streets, 430  
 salary of second assistant messenger, 60  
 sanding beach at War Memorial pk., East Boston, 347  
 signal lights, Bennington st., 248  
 Sumner tunnel tolls, 245  
 survey in East Boston for Federal housing, 36

**points of information:**

additional police officers, 64  
 Councilor Norton's statement *re* dog track, Hyde Park, 38  
 executive committee reports—taxicabs, 48  
 reports of committees: EXECUTIVE, 331  
 speakers at ward hearings on housing projects, 304

points of order: increase of Sumner tunnel tolls, 249

quorum doubt: adjournment, 323

**remarks:**

additional police officers, 64  
 bronze radiotone of Councilor Harris, 332  
 condemning public statements on pending matters, 33, 34  
 Councilor Norton's statement *re* dog track, Hyde Park, 39  
 executive committee reports—dog racing track, 52  
 final proceedings, 504  
 inclusion of basket ball in high school sports curriculum, 365  
 increase of Sumner tunnel tolls, 249  
 loss to Elevated through out-of-town bus lines, 95  
 objection to House Bill 1722, 108  
 public hearings on Federal housing, 301  
 reopening East Boston relief station, 96  
 reports of committees: EXECUTIVE, 262  
 speakers at ward hearings on housing projects, 304  
 Sumner tunnel tolls, 245  
 traffic lights on Bennington st., Ward 1, 46, 47

**resolution** of congratulation to the Mayor and Councilor Irwin upon successful efforts to have East Boston relief station reopened, 443

**resolutions:**

discontinuance of "E1" dividends, 119  
 in honor of the late Pope, 67 (with Councilors Carey and Rosenberg)  
 immediate action on dog racing permit, 89  
 pension for Fred G. Trask, 79 (by Councilor Agnew)  
 pensioning fire department members, 47  
 reinstatement of Thomas J. O'Connor, 34  
 War Department order *re* Meridian Street bridge, 430 (2 resolves)

**Jitney Licenses**

**members:** Councilors Englert, chairman, Agnew, Taylor, Fish, Rosenberg, 35

**petitions:** 31, 44, 104, 177, 326, 399, 407, 428, 461, 466, 467, 475

**reports:** 115 to 118; 135, 424, 491

**Jurors Drawn**

**Grand Jurors:** (5) 334; (22) 472

**Superior Civil Court:** (82) 13; (88) 57; (88) 111; (88) 158; (25) 169; (86) 211; (25) 227; (113) 368; (109) 392; (107) 412; (115) 456; (30) 472; (125) 472

**Superior Criminal Court:** (86) 13; (83) 57; (89) 111; (85) 158; (87) 211; (83) 279; (60) 334; (68) 368; (79) 392; (74) 412; (84) 456; (84) 472

**Juvenile Delinquents**

**cases handled at school centers:** instead of in police stations, order passed, 225

**committee of educators, police officials, clergymen, child experts:** order to consider seeking legislation in question of prosecution of cases with aid of committee, passed, 448

**Keliher, Widow of John A.**

order for acceptance of chap. 211 of 1939 Acts relative to payment of balance salary, six months, due as sheriff of Suffolk County to be charged to contingent fund, passed, 272

**Kelly, John B., Councilor, Ward 15**

ward area: Dorchester, north central

**committee appointments:**

executive  
 claims, county accounts, finance, ordinances, Parkman fund, chairman, soldiers' relief, 35  
 hospitals, 57

**improvements, Ward 15:**

FOR DETAILS: see Streets, Squares, Circles, names  
 Bodwell st., at Baker ave., 300  
 Church st., 272, 322  
 Davidson ave., 264  
 Fox and Percival sts., 419  
 High st., 322  
 Longfellow st., 419  
 Norton st., 419  
 Richfield pk., 188  
 Speedwell st., 419  
 Stonehurst st., 419  
 Thomas J. Nevins sq., 391

**orders:**

abolition of grade crossing, Bird st., 207 (with Councilor Hutchinson)  
 Boston Elevated situation, 186 (with Councilors Wilson, Fish, Hutebinson, Rosenberg)  
 bus permit asked by Eastern Massachusetts Street Railway Company, 107  
 distribution of butter to welfare recipients, 162  
 elevator service at city hospital, 391  
 information from City Collector Thompson, 36  
 investigation of properties exempt from one-third taxes, 366  
 issuance of snow buttons, 60  
 payment for copies of *City Record*, 498 (with Councilor Wilson)  
 payment of men on snow removal work, 61  
 plebiscite on state lottery, 332  
 roping off streets, 222  
 Saturday mornings off for hospital clerical workers, 297 (with Councilor Wilson)

**points of information:** confirmation of appointments on January 23, 45

**remarks:**

bus permit asked by Eastern Massachusetts Street Railway Company, 107  
 distribution of butter to welfare recipients, 162  
 elevator service at city hospital, 391  
 information from City Collector Thompson, 36  
 investigation of properties exempt from one-third taxes, 366  
 issuance of snow buttons, 60  
 plebiscite on State supervised lottery, 328, 329  
 reports of committees: EXECUTIVE, vending machines, 210  
 resolution on lottery, 362, 363

**resolutions:**

appreciation of services of Joseph P. Manning, 218 (with Councilors Kerrigan, Fish, Rosenberg)  
 plebiscite on State supervised lottery, 328  
 reinstatement of George E. Boyden, 188

**roll call:** reports of committees: EXECUTIVE, 330, 331

**Kerrigan, John E., Councilor, Ward 7**

ward area: South Boston, south

**presiding chairman:** 93 to 95, 167 to 168, 184 to 192

**committee appointments:**

executive  
 prison inspection, rules, 35  
 hospitals, chairman, public safety, unclaimed baggage, chairman, 57

**Kerrigan, John E., Councilor, Ward 7, Continued**

**committee resignations:** from public safety, 120

**improvements, Ward 7:**

**FOR DETAILS: see Streets, Squares, Circles, names**  
all streets cleaned, 332 (by Councilor Hutchinson)  
Ellery st., 424  
(Charles E.) Mackey sq., 448  
Wendover st., 471  
West Sixth st., 167, 424 (with Councilor Murray)

**motions:**

confirmation of appointments, January 23, 45  
next meeting, 363  
reports of committees: **ORDINANCES**, vending machines, 164  
temporary anticipatory borrowing, 10

**orders:**

additional police officers, 64  
assistance for emergency work, City Council departments, 48  
election of President for 1939 Council, 9  
health unit, Ward 15, 424  
hospital clinic, Old Harbor Village, 60 (with Councilor Murray)  
list of apartments and refunds, 484  
non-advertising of properties, 203 (with Councilor McMahon)  
Saturday mornings for hospital clerical workers, 314  
transfer of Dorchester Heights, 19 (with Councilor Murray)  
transportation of professional talent to sanatorium, 248 (by Councilor Taylor)

**ordinances:** distribution of handbills, 156

**remarks:**

continuation of W. P. A. activities, 46  
final proceedings, 502, 505  
reports of committees: **EXECUTIVE**, dog-racing tracks, 53, 54, 423

**resolutions:**

appreciation of services of Joseph P. Manning, 218 (with Councilors Rosenberg, Fish, Kelly)  
continuation of W. P. A. activities, 46  
final proceedings, 502  
General Edward L. Logan, 347 (with Councilor Murray)  
payment to Thomas E. Goggin, 19 (with Councilor Murray)  
pensioning firemen, 156  
reinstatement of Frank L. Cotter, 60  
transfer of Dorchester Heights, 24 (with Councilor Murray)

**unanimous consent:** liquor licenses near churches, 433

**Land Donations to City**

order for the Mayor to accept vacant land, 300,000 square feet in West Roxbury and all other such donations as are presented, passed, 487

**Land Takings**

notice from Metropolitan District Commission of land takings on Morton st. for high-pressure water main, 31

**Langan, James M., Councilor, Ward 19**

**ward area:** Jamaica Plain and Roslindale, east

**presiding in chair:** 244 to 250

**committee appointments:**

executive  
appropriations, claims, chairman, ordinances, public lands, 35  
hospitals, 57

**improvements, Ward 19:**

**FOR DETAILS: see Streets, Squares, Circles, names**  
Arborway, 85  
Asticou rd., 449  
Blakemore st., 278  
Brewer st., 191, 396  
Brookdale st., 300  
Brown ave., 166  
Centre st., 85  
Centre st. at Louder's lane; also front of Faulkner hospital, 300  
Chestnut ave., 191  
Chestnut ave., from Green to Forbes st., 300  
Cummins Highway at Brown ave., 64  
Cummins Highway at Hyde Park ave., 47  
Cummins Highway at Brown ave., 331  
Florence st., 487  
Green st., 121  
Hawthorne st., 191, 454  
Herbert rd., 225  
Johnswood rd., 331  
Johnswood rd., stairway, 208  
Lamartine st. at Green st., 322  
May st., 225  
Moss Hill section, 108  
Neponset ave., 121 (with Councilor Norton), 432  
Northbourne rd., 225

**Langan, James M., Councilor, Ward 19, Continued****improvements, Ward 19:**

Paul Gore st., 322  
Perkins st., 420, 447  
Pond st., 225  
Sherwood st., 162  
Starr lane, 225  
Warren sq., 300  
Washington st., 19, 121  
Washington st., Roslindale sq., 191 (with Councilor Carey)

**motions:** transfer in appropriation for municipal court, West Roxbury, 388

**orders:**

abating five-cent charge to Boston swimming pools, 366  
additional Jamaica Plain service, 34, 35 (with Councilor Englert)  
bus line, Eggleston sq. to Green st. station, 390  
bus line from Green st., 80  
distribution of butter, 191  
five-cent fare zones, 447 (with Councilor Englert)  
glass inclosure at Green st. station, 64  
housing buildings, 396  
indoor facilities in buildings for distribution of Federal commodities, 404  
library in Forest Hills, 47  
naming library for Monsignor Arthur T. Connolly, 188 (with Councilor Carey)  
opening of field house, Parkman playground, 35  
pension of Edward F. Harrington, 26  
protection for investigators, visitors, etc., 208  
reopening tennis courts at Pine Banks, Jamaica Plain, 348  
reopening tennis courts, Healy playground, 348  
repair of park benches, Arborway, 140  
roping off streets, 192 (with Councilors Englert, Lyons, Carey)  
roping off streets, 317 (with Councilor Lyons)  
shelter, Centre st., 64 (with Councilor Lyons)  
snow removal from sidewalks, 64  
survey of Arboretum Heights, Ward 19, 263  
survey of part of Ward 19, 97  
suspension, five-cent fare zone order, 454  
traffic regulation, Centre st. and Arborway, 18  
welfare milk distribution price, 379  
windows, gymnasium, Roslindale sq., 411 (with Councilor Lyons)  
wire fence, Stellman rd., 261

**points of information:**

report of committee requested, 351  
reports of committees: **RULES**, 444

**point of order:** continuation of public hearings on further housing, 350

**remarks:**

commendation of police and fire departments, 121  
distribution of butter, 191  
indoor facilities for buildings for distribution of Federal commodities, 404  
information from hospital trustees, 139  
information *in re* police department, 63  
library in Forest Hills, 47  
naming library for Monsignor Arthur T. Connolly, 188  
opening of field house, Parkman playground, 35  
painting crosswalks, Arborway and Centre st., 85  
protection for investigators, visitors, etc., 208  
public ownership of Boston Elevated, 80  
reports of committees: **EXECUTIVE**, 56, 247, 421  
reports of committees: **EXECUTIVE**, highway fund appropriation, 251  
snow removal from sidewalks, 64  
suspension, five-cent fare zone, order, 454  
traffic regulation, Centre st. and Arborway, 18

**resolutions:**

additional funds for W. P. A. activities, 361  
commendation of police and fire departments, 121  
refund to Burner's Hofbrau, 47  
reinstatement of Richard P. Kelley, 157

**unanimous consents:**

executive committee reports, taxicabs, 51  
investigation, busses using streets as stations, 367

**Law Department**

**Atlantic Avenue Elevated structure:** report sent City Council, 287, 344, 345

**Boston County:**

prepare, introduce and seek approval of legislation to establish Boston as a county, referred to executive committee, 139, 140—passed, 141—message, communication, 175  
prepare, introduce and seek approval of legislation to cause each town and city in Suffolk county to contribute its proportionate share to maintenance cost, order referred to executive committee, 140—passed, 141—message, communication, 175

**civil service:** certain positions put under civil service August, 1939, order to report by what authority, passed, 377, 378

**custody and control of Neponset traffic circle:** transference of control and custody to Metropolitan District Commission from street commissioners and Commonwealth of Massachusetts for ninety-nine years, copy of indenture, filed, 73

**Law Department, Continued**

- evidence of and prosecution of coal deliveries: deficiency and bad quality, two orders, passed, 122
- five-cent fare zones: order to hold public hearing with public utilities board, passed, 443
- legality of "bank nights": order to furnish opinion to City Council, passed, 410
- Long Island dormitory labor: law department to provide in contracts for employment of Boston citizens only, order passed, 471
- obligatory residence in city: of all public school teachers, order for opinion from corporation counsel, passed, 199 to 202 inclusive
- opinion on Parkman Fund appropriation: to recreational buildings, Charlesbank pk., order as to legality, passed, 453—report filed, 496
- slander of candidates: department to prepare and present to State Legislature bill to prevent, order passed, 476
- Statutes of 1858, chap. 113, sections 1, 2: opinion of effectiveness and in what way altered, amended or repealed *in re* Act founding City Hospital, 113—message, communication, 193, 194
- undergrounding wires: confer with Board of Public Utilities *in re*, order passed, 226—message, communication, 287

**Lawrence, Abbott**

- trustees' accounting from Peabody, Arnold, Batchelder & Luther, 291

**Leases**

- land, East Dedham st.: to South End House Association, message, preambles and order, referred to executive committee, 14—passed, 18
- land, F and West Sixth sts. for playground to Boys' clubs of Boston, message, preambles and order referred to executive committee, 14—passed, 18

**Leather****measurers appointed, confirmed:**

- Caro, Harold R., 10-24  
Parrott, William H., 305-328  
Runey, George L., 305-328

**Legislative Acts, Bills, General Laws**

- 1914 ACTS, CHAP. 765 amended by chap. 63, Special Acts, 1915, laborer retirements, 27-333
- 1922 ACTS, CHAP. 521: retirements, amendment—balance of fund to designated beneficiary, order referred to executive committee, passed, 17, 18
- 1936 ACTS, CHAP. 403: per diem compensation, resolution favoring acceptance, passed, 28
- 1938 ACTS, CHAP. 122: providing one day off in seven for police officers, 113, 114, 142
- 1938 ACTS, CHAP. 479: amendment to building code, 27
- 1938 ACTS, CHAP. 500:  
\$1,194,300 received from State for highway reconstruction, up-keep and snow removal, 170  
highway fund balances and distribution of certain portions, and reimbursement for care of needy persons, resolution to send copies to organizations and associations, passed, 24
- 1939 ACTS, CHAP. 131: disposition of accumulated deductions of deceased members of Boston Retirement System, 198, 199
- 1939 ACTS, CHAP. 237: order for acceptance of Act relative to firemen's pensions, referred to executive committee, 330—passed, 330
- HAYDEN-CARTWRIGHT ACT: abolition of grade crossings, 207
- HOUSE BILL 116, ACTS OF 1939: substitute Bill endorsed by City Council (page 297 of 1939 Proceedings), June 12, 1939, order referred to executive committee, 317
- HOUSE BILL 154, ACTS 1939: for purchase of 238,794 shares of Boston Elevated Railway Company resolution, referred to executive committee, 115
- HOUSE BILL 198: discontinuance of dividends on Boston Elevated Railway stock, 119
- HOUSE BILL 851: mosquito control legislative enactment, 137, 141
- HOUSE BILLS 1447 AND 1583: reducing the present twenty-two Councilors to nine, resolution opposing enactment, passed, 122, 123
- HOUSE BILL 1722: objecting to appointment of Director of Civil Service to replace present commission, passed, 108
- HOUSE BILL 1934 OF 1939: Division of Citizenship establishment, 86
- HOUSE DOCUMENT 2100 OF 1938: establishment of Division of Citizenship, 86
- MOSQUITO CONTROL, \$300: city share due state, order referred to executive committee, 14—passed, 18
- (REVISED) ORDINANCES, 1925, CHAP. 39, SECT. 44: sidewalk clearance, prosecution of violations, two orders, passed, 156

**Legislative Acts, Bills, General Laws, Continued**

- SENATE BILL 5: for repeal of plan E and Proportionate Representation, referred to rules committee, 97
- SUSPENSION: of sections 55, 56, 57, chap. 54, General Laws, order passed, 429

**Legislative Matters Committee**

- members: Councilors Norton, chairman, Shattuck, Fitzgerald, Wilson, Irwin, 35

**Legislative Matters**

- water bill demand charge: reduce or eliminate 35-cent charge, order for law department to prepare and submit legislation, passed, 404

**Letters Submitted**

- Councilor Rosenberg, to and from Acting Police Commissioner Fallon, 449

**Library Department**

- ORGANIZATION: Robert H. Lord, president; Frank W. Buxton, vice president; Elizabeth B. Brockunier, clerk, 258
- TRUSTEE APPOINTED: Louis E. Kirstein, 258
- CENTRAL LIBRARY ROOF: consider loan to provide complete replacement, order passed, 378
- CLEANING EXTERIOR OF CENTRAL LIBRARY: as W. P. A. project, order passed, 361
- REPAIR OF CENTRAL LIBRARY: message and order for transfer \$10,000 from contingent fund to contractual services, referred to executive committee, 358—passed, 366: order to consider loan \$10,000, passed, 378—passed, 431
- BRANCH LIBRARY:  
Forest Hills, Ward 19, order for provision for establishment, passed, 47—message, communication, 69  
reconstruction, West End church, order to engage a qualified architect to supervise work on this historic building, passed, 260  
Ward 13, provide for establishment in Savin Hill section, order passed, 61—message, communication, 69  
Ward 20, as W. P. A. project remodeling of abandoned school house at Washington and Stimson sts., order passed, 65
- FANEUIL BRANCH LIBRARY SALE: for \$2,500 upset price at public auction, order referred to public lands committee, 171—passed, 192—passed finally, 217
- JAMAICA PLAIN BRANCH: to be named in honor of Monsignor Arthur T. Connolly with commemorative plaque erected, order passed, 188
- TRANSFER REFERRED TO EXECUTIVE COMMITTEE: from election department, H relief, \$2,000; fire department, H relief, \$2,000, 399-400

**License Fees Committee**

- members: Councilors Fish, chairman, Irwin, Chase, Hutchinson, Sullivan, 57

**Licenses and Permits**

- bootblacks: (6) 44; (4) 105; (2) 155; (16) 271; (10) 327; (5) 361; (6) 399; (8) 441; (7) 497
- child performer petitions granted:  
Aklen, Murray, 159-167  
Aste, Alice M., 291-303  
Barber, Frances, 258-263  
Beegelman, Martha, 291-303  
Bell, Frank M., 134, 140, 141  
Boone, Hazel, 271-276  
Bovikoff, Boris, 72-78, 79  
Breiding, Violet K., 258-263  
Brooks, Alice W., 326-330  
Brown, Stanley E., 291-303  
Brymer, Kathryn I., 291-303  
Campbell, Mary, 312-318  
Carney, Ellen F., 271-276  
Cohen, Gabriel, 271-276  
Connell, M. Theresa, 271-276  
Davenport School of the Dance, 258-263  
DeCordova, Leopold, 241-246  
Dolan, Gertrude (2 petitions), 177—granted, 191, 192  
Ecker, James A. (2 petitions), 134-140, 141; 256-263; 291-303  
Fischer, Marian, 291-303  
Gallagher, Orin F., 258-263  
Gegan, Ethel M., 326-330  
Govoni, A. Marie, 258-263  
Greene, Anna M., 271-276  
Hall, Lucille Perry, 177-191, 192  
Hogan, Lavinia A., 291-303

Licenses and Permits, Continued

child performer petitions granted:

- Kehoe, Marie, 258-263
- Leavis, Edith M., 241-246
- Leeman, Adrienne K., 326-330
- Livingston, Marie, 241-246
- Loughran, Ursula M., 271-276
- Lyons, Esther, 291-303
- Mann, Rosalie, 312-318
- Massachusetts Girl Scouts, Inc., 258-263
- Massachusetts Retail Grocers and Provision Association, 394-410
- Matthews, Muriel, 159-167
- McDermott, Kay A., 258-263
- McShane, Ruth M., 271-276
- Morin, Marie E., 3-3-318
- O'Gorman, Katherine T., 241-246
- Philbrook, Clyde H., 11-11
- Philbrook, Lulu, 177-191, 192
- Rin, Mary E., 291-303
- Russaroff, Senia, 152-156
- Sacco, Mildred C., 313-318
- Scott, Shirley Norris, 258-263
- Shanahan, James A., 271-276
- Simpson, Harold B., 72-79
- Skating Club of Boston, 134-140, 141
- Stutz-Ruhy Dancing School, 291-303
- Taylor, Ruth M., 159-167, 467-468
- Tokman, Sophia Ree, 134-140, 141
- Viles, Lillafrances, 241-246
- Williams, J. C., 177-granted, 191, 192
- Wilson, Howard, 217-223
- Wyman, Lilla Viles, 152-granted, 156

fees ordinance amendment: referred to ordinances committees, 16, 17-passed, 162

fees schedules as city document: list of rates for all departments in force in January, 1939

hackney carriages: and issuance of badges and revenue from fees for past five years, order for information, passed, 56-message, communication, 99, 100, 101

newsboys: (56) 44; (31) 105; (18) 155; (44) 271; (58) 327; (22) 361; (45) 399; (27) 441; (26) 497

special licenses for driveway openings: 31, 60, 72, 104, 107, 112, 113, 135, 152, 156, 159, 162, 177, 185, 197, 209, 212, 271, 291, 340, 360, 373, 386

Sunday sports petitions:

Boston American League Baseball Company, March 15 to October 10, 1939, and October 15, 1939, to March 15, 1940, 134-granted, 141-hond of Indemnity Insurance Company of North America, approved, 152

National League Baseball Club of Boston, Inc., 152-156-bond approved, 159

temporary permits for taxicabs until report is filed by Council public safety committee, order passed, 27-message, communication, 29

transient vendors: 271

Liquor Licenses, Near Churches

City Council resolution for licensing board not to issue licenses in vicinity of any church, resolution referred to rules committee, 433-order passed, 444

City Council resolutions against granting near Trinity Church, Clarendon st., copy to be sent to licensing board, passed, 454

Loans

Albany st., South End playground: order for \$250,000, referred to finance committee, 107

Central library roof: consider loan to provide complete replacement, order passed, 378-passed, 431

\$500,000 for gymnasium: in South Boston, resolution for legislative enactment for borrowing, passed, 271

Franklin field municipal building: resolve for legislative enactment to borrow for erection, 17

North End playground: order for \$250,000, referred to finance committee, 106

\$100,000 for traffic signals: order for appropriation by loan and repair, referred to finance committee, 483, 484

outside debt limit:

\$180,000 FOR RELIEF PROJECTS: message, order referred to executive committee, 324-first reading and passage, 330-under unfinished business, no action recorded, 345

PUBLIC WORKS, PAVING SERVICE, \$150,000: order referred to executive committee, 414-motion to refer to finance committee lost, 423-first reading of order passed, 424-amendment referring order to finance committee, accepted, 424-second reading and passage, 429-Emergency Finance Board approval, 441

TAX TITLE LOAN \$1,500,000: approval of tax title revenue loan by Emergency Finance Board, 177-order for loan, first reading and passage, 380-second reading and passage, 387

Loans, Continued

outside debt limit:

\$3,275,000: for public welfare, soldiers' relief, Federal emergency, unemployment, order referred to executive committee, 324-read first and passed, 330-read once and passed, 345-message, communication, 427, 428

overlay deficits: \$1,000,000, message and order referred to executive committee, 311, 312-referred to finance committee, 319-read and passed once, 400-second reading and passage, 420

refunding loan: order under Acts, 1938, chap. 235, sect. 1 for \$1,000,000 to overlay deficits, referred to finance committee, 374-order rejected, 377

renewal, tax title loan, \$1,000,000: originally approved by Emergency Finance Board, page 266, 1938 Proceedings, now outstanding, placed on file, 387-renewal loan approved by Board, 497

rescissions of loans: order for right to borrow in excess of \$493,500 for High School of Practical Arts, William Howard Taft school, Robert Gould Shaw and Trade schools, order for rescission, referred to finance committee, 456, 457-passed, 477-passed second report, 491

State deficit loan, \$1,500,000: notice of approval of loan from Emergency Finance Board, filed, 399

tax title renewal, \$1,300,000: notice of approval by Emergency State Finance Board, filed, 360-order passed on final reading, 453-loan approval, 461-order passed, 443, 444-approval, Emergency Finance Board, 461

tax title revenue loans, \$2,000,000: message with order referred to executive committee, 124-passed, 141-final passing, 159, 160-Emergency Finance Board approval of renewal, 159, 345, 359, 366, 374, 453

temporary borrowing, \$45,000,000: message, order for anticipatory loan passed once, 10-second and final passing, 17

\$10,000, traffic lights, Bennington st.: from Neptune rd. to Orient Heights, order referred to finance committee, 248

West End playground: order for \$250,000, referred to finance committee, 107

Loew's, Inc.

transfer of 10 square feet of land contiguous from City of Boston to Loew's, Inc., order referred to executive committee, 252-passed, 262, 295

Logan, General Edward L.

City Council unanimous rising vote expressing profound sorrow at passing and admiration for example of life, 347

Long Island Dormitory

law department to provide in contracts for employment of only Boston citizens, order passed, 471

Lottery

law department to draft for presentation to Massachusetts legislature for authority to hold monthly lottery for benefit of public welfare department of city, order referred to executive committee, 277-rejected, 303, 304

state supervised: preambles and resolution to request Governor to hold plebiscite for choice between lottery and added taxes, resolution referred to executive committee, 328, 329-referred to committee on rules, 330, 331-order for committee report passed, 332-resolution adopted, 362, 363

Lyons, Theodore F., Councilor, Ward 20

ward area: West Roxbury and Roslindale, west

committee appointments:

- county accounts, Parkman fund, printing, 35
- executive
- public welfare, public safety, tax title property, chairman, 57

improvements, Ward 20:

- FOR DETAILS: see Streets, Squares, Circles, names
- Ansonia rd., 448
- Baker st., 448
- Bellevue st., 275
- Birchwood st., 448
- Brookfield st., 168, 391
- Centre st., 378, 470, 483
- Centre, South sts., junction, West Roxbury, 192, 483
- Chellman st., 390, 391
- Cheshrough rd., 448
- Clement ave. extension, 248
- Cottage ave., 470
- Cushing st., 404, 470

## Lyons, Theodore F., Councilor, Ward 20, Continued

## improvements, Ward 20

De Soto rd., 223  
 Dunwell st., 275  
 Emmons rd., 222  
 Fairview st., 155  
 Fallon field, Roslindale, 208  
 Grove st., 65  
 Hamilton st., 168  
 Havey st., 121  
 Howitt rd., 248  
 Linnet st., 275  
 Maple st., 168  
 March ave., 275  
 New York, New Haven & Hartford Railroad bridge, 137  
 Oriole st., 275  
 Quinn way, 275  
 Rumford st., 275  
 Sherwood rd., 208  
 sidewalks, 208  
 South and Centre sts., corner, 248  
 South Fairview st., 248  
 South Walter st., 155  
 Summer st., 301 (2 orders)  
 Sunset Hill path, 222, 331  
 Symmes st., 331  
 Temple st., 378  
 Temple ter., 222  
 Theodore Parker rd., extension, 166  
 Vermont st., 275  
 Walter st., prohibition, heavy trucking, 448  
 Ward 20 streets, 155  
 Washington st., 331  
 Weld st., 248, 448  
 Welton rd., 331  
 Westbourne st., 223  
 Woodard rd., 275  
 Wren st., 192, 275

## orders:

assessments, Ward 20, 448  
 barring heavy trucks from Fletcher st., 155  
 binder used in W. P. A. street construction, 121  
 bus service, Green st. station-West Roxbury line, (2 orders), 64  
 compensation for police officers, 65  
 cost of Roslindale improvements, 265  
 demolition work to Boston residents, 391 (with Councilor Sullivan)  
 examination for social workers, 411  
 fire station, Grove st. section, 223  
 health unit, Ward 20, 166  
 lay-offs in W. P. A., 265  
 legislation reducing demand charge on water bills, 404  
 manhole covers, South st., 155  
 new route of Moran Service, Inc., 483  
 operation of husses, Weld st. line, 209  
 playground, Ward 20 (2 orders), 166  
 razing buildings on West Roxbury Veterans' Hospital property, 80  
 reports of committees: EXCLUSIVE, 423  
 room for Gold Star Mothers, Dillaway House, 192 (with Councilor Harris)  
 roping off streets, 192 (with Councilors Langan, Englert, Carey)  
 roping off streets, 317 (with Councilor Langan)  
 sandblasting city hall walls, 166  
 shelter, Centre st., 64 (with Councilor Langan)  
 stairs, Sunset Hill pk., Centre st., 192  
 steps at Sturges rd., Ward 20, 137  
 survey of Grove st. section, 223  
 tax abatements to widows, 448  
 traffic conditions, Roslindale sq., 265  
 use of veterans' hospital, West Roxbury, 47, 48  
 vacation for police force, 209  
 Ward 20 improvements, municipal building, 248  
 windows, gymnasium, Roslindale sq., 411 (with Councilor Langan)  
 W. P. A. project for branch library, Ward 20, 65

## remarks:

assessments, Ward 20, 448  
 bus service, Green st. station-West Roxbury line, 64, 65  
 compensation for police officers, 65  
 cost of Roslindale improvements, 265  
 executive committee reports: TAXICABS, 50  
 information *in re* police department, 63  
 legislation reducing demand charge on water bills, 404  
 loss to Elevated through out-of-town bus lines, 95  
 non-support proceedings, 26  
 razing buildings on West Roxbury Veterans' Hospital property, 80  
 room for Gold Star mothers, Dillaway House, 192  
 social workers' examination, 411  
 tax abatements to widows, 449  
 W. P. A. project for branch library, Ward 20, 65

## M. and R. Construction Company

bond received from Metropolitan District Commission, 475

## Massachusetts, Commonwealth of

public works department; easement abandonment at Neponset river, notice from State received, 11

## Massachusetts Retail Grocers and Provision Association

for child performers, petition to appear at Boston Gardens, October 14 to 21, inclusive, 394-granted, 410

## Mayor, The Hon. Maurice J. Tobin

annual address: 1-9

appointments, constables: 10, 21, 29, 40, 169, 170, 193, 211, 266, 279, 305, 324, 352, 381, 397, 406, 412, 425, 473, 485

appointments, departmental: 24, 105, 177, 241, 258, 360, 441, 447, 473

appointments, minor: 10, 15, 29, 44, 68, 111, 128, 142, 169, 193, 211, 266, 279, 305, 324, 334, 352, 361, 381, 392, 397, 406, 441, 451, 457, 464, 473, 485, 489, 497

jurors drawn: 13, 57, 111, 158, 169, 211, 227, 279, 334, 368, 392, 412, 425, 456, 472

## messages, communications, orders:

abatement of dust nuisance, 485

abolition, grade crossing, Bird st. station, 269

accrued income of George Robert White fund, 22

additional firemen, 453, 459

additional patrolmen, Grove Hall section, 458

additional welfare assistance, 382

age requirements for kindergarten, 458

air-compression hammering, Huntington ave. subway, 102

"ambulance chasing", city hospital, 464, 465

American Legion highway grass plot, 339

angle parking, Allston, 288

annuities of families of certain hospital employees, 124

APPROPRIATION: for armory, 490; for Boston housing authority, 270,

271; of cemetery fund income, 171; of highway fund, 170; for housing authority, 490; Long Island institutions, 466 (2 orders); for mosquito control 13; for municipal employment bureau, 42, 43; for municipal survey committee, 325, 326; for pay rolls, seven-twelfths of year, 235 to 241, inclusive; for snow removal, 312; for W. P. A. projects from water income, 325

ARC LIGHTS: Baker st. bridge, Ward 20, 194; Blakemore st., 337;

Fallon Field, 257 (Acting Mayor G. A. Murray); Washington st., 269

assessment of Ward 20 homes, 68

assignment of traffic officers to Bennington st., 176

assignments on snow removal work, 176

Atlantic ave. Elevated structure, 286, 287

Austin st., 454

automobiles in Franklin park, 335

barring heavy trucks, Fletcher st., 227 (by Acting Mayor G. A. Murray)

barring trucks from Pleasant st., 425

Barry playground improvements, 459

baseball diamond, Charleshank, 289

beach in Charlestown, 283

betterments on W. P. A. construction work, 15

bill concerning new building code, 41

Blue Hill ave. sidewalk project, 176, 177

Boston Housing Authority agreement, 215

Boston's Streets book, 393

branch library, Savin Hill, 69

Brookford st., Ward 13, 283

budget for 1939 (5 orders), 41, 42

budget for remainder of year, 306 to 311, inclusive

budget for seven-twelfths of year, 235

budget tables for computing allowances, 425

building law violation, Charlestown, 287, 288

BUS LINE: Egleston sq.-Brookline Village, 23; Egleston sq.-Green st. station, 414, 415; from Green st., 127; Savin Hill station-city hospital, 177; Weld st., 255 (Acting Mayor G. A. Murray)

car tracks, Savin Hill ave., 143

change name of St. Gregory's ct., 496, 497

changes in compensation and classification plans, 150, 151

child center, Lambert ave., 382

Church st., Ward 15, 281

cleaning all streets, 355, 356

cleaning gutters, Ward 20, 280

cleaning Lincoln statue, 305

cleaning rubbish from vacant lots, 370 (Acting Mayor G. A. Murray)

cleaning Ward 13 streets, 57

closing school centers, 485

collector, Columbia station, 16

compliance with building law by housing projects, 68

condemned buildings in housing area, 287

conditions at City Fuel Company, 129, 130

conditions of parks for baseball, 257 (Acting Mayor G. A. Murray)

conservation of eyesight class, 127

construction of Elton and Victor sts., 29

construction of Ward 10 streets, 30

convenience station at Charleshank pk., 370 (Acting Mayor G. A. Murray)

## Mayor, The Hon. Maurice J. Tobin, Continued

### messages, communications, orders:

conveyance to city of portion of Elevated structure, 71, 72  
 cooperation with Somerville fire department, 175  
 cost of county maintenance, 175  
 cost of facilities at new court house, 381  
 cost of repairs, central library, 370 (Acting Mayor G. A. Murray)  
 Council locker room lavatory, 130  
 covering garbage trucks, 436  
 data on city yards, 305, 306  
 data *in re* police department, 228 (by Acting Mayor G. A. Murray)  
 data *in re* police personnel, 253, 254, 255 (Acting Mayor G. A. Murray)  
 data *in re* water division, 289  
 delinquent payment of water bills, 352  
 departmental transfers: 359, 360, 381  
 disapproval of sidewalk, McBride st., Ward 11, 70  
 display of taxi operators' photographs, 68  
 disposal of obsolete X-ray films, 124  
 disposition of highway funds, 171  
 distribution of butter, 256 (Acting Mayor G. A. Murray)  
 distribution of commodities, 415  
 distribution of commodities, Ward 20, 416  
 distribution of hand bills, 473  
 distribution of officers in police department, 98  
 drinking fountains, City hospital waiting rooms, 397  
 drinking fountains, Franklin pk., 369 (Acting Mayor G. A. Murray)  
 dumping on vacant lots, 257 (Acting Mayor G. A. Murray)  
 dumps in residential districts, 213  
 dust nuisances, Huntington ave., 281  
 electric fans in subway trains, 338  
 electric lamps, Ward 13, 126  
 electric lights, Sherwood rd., 266, 267; Ward 13, 371 (Acting Mayor G. A. Murray)  
 elevator service, City hospital, 397, 398  
 Ellington st., Ward 14, 129  
 entrance age for kindergarten children, 127  
 erection of garage over Stony Brook, 215, 216  
 escalator, Ashmont terminal, 58; Northampton st., 58  
 establishment of Boston as a county, 175  
 Eustis playground improvements, 255 (Acting Mayor G. A. Murray), 460  
 Evergreen st., Ward 10, 279  
 examination for aide in Physiotherapy Department, 21  
 expectant mothers, city hospital, 228 (by Acting Mayor G. A. Murray)  
 extension of bus line between Franklin pk. and Carsou beach, 336  
 extension of Green st. station—West Roxbury bus line, 101  
 failure in regular collections of ashes and garbage, 11  
 Federal housing project, East Boston, 58, 59  
 fees for licensing of scales, 16  
 fees from hackney carriage licenses and badges, 99, 100, 101  
 fence on Franklin field, 337  
 fire losses, 284, 285; in ten years, 372 (Acting Mayor G. A. Murray)  
 fire station, Ward 20, 285, 286, 287  
 first-aid assistance on playgrounds, 30  
 first-aid station, Franklin Field playground, 353  
 flight of steps, Sturges rd., Ward 20, 173  
 flooding McConnell pk., 489  
 former employees, East Boston relief hospital, 466  
 Franklin pk. baseball diamonds, 255 (Acting Mayor G. A. Murray)  
 fuel delivered to welfare recipients, 15  
 fuel deliveries to welfare recipients, 458  
 garage facilities, apartment buildings, 474  
 gift to city of land for playground, 30, 31  
 grandstand, Norfolk street playground, 451  
 grass, American Legion highway, 290  
 guard rails on bridges, 489  
 hand-straps in busses, 128  
 Haverford st., Ward 11, 283  
 health units: central Dorchester district, 193, Ward 13, 267, Ward 14, 193, Ward 20, 267, 268  
 heavy trucking, Weld and Walter sts., 457  
 hospital clinic, Old Harbor Village, 102  
 hours of tollman and gateman, 440  
 improvements: Prince st. playground, 129, Brook ave., Roxbury, 213, 214, North End pk., 355, William E. Carter playground, 393  
 improving "daisy field," Ward 10, for baseball, 383, 384  
 increase of sheriff's salary, 159  
 increase of W. P. A. quota, 437  
 increased milk allowance to welfare recipients, 40  
 inspections, dwellings by social agencies, 451, 452  
 installation of shower bath facilities in school yards used as playgrounds, 352 (Acting Mayor G. A. Murray)  
 insurance policies of welfare recipients, 125  
 interest on tax bills, 459  
 investigation of pet shops, 176  
 iron fence, Amerena pk., 10  
 issuance of emergency assistance, 142, 143  
 land at Church and Corey sts., 288  
 LaRose pk., Ward 21, 257 (Acting Mayor G. A. Murray)  
 law *re* city hospital, 193, 194  
 lease of land to boys' clubs, 14; lease of land to South End House Association, 14  
 legality of bank nights, 426  
 legislative Bills *re* County employee salaries, 174, 175  
 light, air and setback, Back Bay lands, 284  
 light, Fox and Percival sts., Ward 15, 440

## Mayor, The Hon. Maurice J. Tobin, Continued

### messages, communications, orders:

loan order for \$1,500,000, 380; for \$180,000, 324; for \$3,275,000, 324; for overlay deficits, 311, 312; for public welfare, \$1,200,000, 427, 428  
 lunch room, Frank V. Thompson school, 416  
 manhole covers, South st., 213  
 matron on Mary Draper playground, 257, 258 (Acting Mayor G. A. Murray)  
 milk delivery station, East Boston, 284  
 municipal building from George Robert White fund, 102  
 municipal stadium, Ward 16, 40  
 Neponset traffic circle, 15  
 no parking restrictions, Moultrie, Kenwood, Lyndhurst sts., 59  
 notary in each welfare unit, 417  
 nursing personnel, city hospital, 214, 215  
 opening field house, Parkman playground, 58  
 opening school yards in summer, 306  
 opinion, corporation counsel *re* plebiscite, 412, 413, 414  
 Orchard pk. improvements, 460  
 ordinance amending sect. 23 of chap. 40, 358  
 ordinance change—removal of snow, 398, 399  
 ordinance relative to fees, 373 (Acting Mayor G. A. Murray)  
 Parsons st. underpass, Ward 22, 280  
 partial abatement of property taken by eminent domain, 393  
 passenger cars owned by city, 229  
 patrolmen on traffic duty, 98  
 payment of men on snow removal, 142  
 payment to William L. Hagan, 435  
 personnel distribution, police department, 98, 99  
 photographs of taxi operators, 101  
 planting trees, Huntington ave., 451  
 playground, Bowdoin school yard, 338, 339; Jeffries Point, 194; at Lamartine and Green sts., 338  
 police patrol of rivers, 176  
 police protection, Muddy river, 133  
 posting General Laws outside polling places, 437  
 preference for tenancy in housing projects, 16  
 preference to old age assistance and mothers' aid cases, 103, 104  
 profiteering on necessities, 395  
 property of Eastern Massachusetts Street Railway in Boston, 339  
 rancid butter distribution at Commodity stations, 353, 354 (Acting Mayor G. A. Murray)  
 Randidge Fund excursions, 324, 325  
 razing West Roxbury Veterans' hospital buildings, 131  
 reconditioning tennis courts, 383  
 reconstruction: Danube and Dacia sts., 21; Monadnock st., Ward 13, 195, 196; Pond st., 263; Sewall st., Ward 10, 393  
 recreational building, Ward 4, 102; Charlesbank pk., 496  
 reimbursement for improper fuel, 333  
 relocation of car tracks, Blue Hill ave., 126  
 relocation of traffic lights, 23  
 remarking shuffle board courts at Franklin field, 353 (Acting Mayor G. A. Murray)  
 removal of restrictions on five-cent fares for children, 352  
 removal, tracks on Dorchester ave., 53; tracks at Massachusetts station, 474  
 reopening retirement system, 460, 461  
 reopening tennis courts: Healy playground, 353; at Pine Banks section, Jamaica Plain, 352, 353 (Acting Mayor G. A. Murray)  
 repairing: Arborway benches, 174; benches, Franklin pk., 368 (Acting Mayor G. A. Murray); Fayston st., Dorchester, 386; central library building, 358; Governor Andrew portrait, 14; motor vehicles, 282; Porter st., 21; stairway, Johnswood rd., 356 (Acting Mayor G. A. Murray)  
 repaving: Boston & Albany bridge, Allston, 103; Commerce st., Ward 3, 125; New Heath st., 397; Temple st., Ward 20, 386; Ward 10 streets, 174  
 replacing: Hyde Park schools, 436; Ward 18 school structures, 133; gas lamps, Grove st., Ward 20, 103  
 report on salary increases, 290  
 rescission, portion of P. W. A. loans, 456, 457 (4 orders)  
 residence of school teachers, 270  
 resolution by Council congratulating his Honor the Mayor and Councilor Irwin on successful efforts to reopen East Boston relief station, 441  
 resurfacing: Ashland st., 338; Brinton st., Ward 11, 384, 385; 383; Codman Hill st., Ward 11, 384; Brookdale st., 334; Child st., Ward 11, 125; Culbert (Gilbert) st., Ward 13, 414; Cushing ave., Ward 13, 440; Deering rd., Ward 13, 413; Denny st., Ward 13, 172; Downer ave., Ward 13, 439; Eastburn st., Ward 22, 173; Ellery st., Ward 7, 439; (Paul) Gore st., 337; Green st., Ward 19, 158; Greenheys st., Ward 14, 21; Longfellow st., Ward 15, 440; Mayfield st., Ward 13, 172; Neponset ave., Roslindale, 153; Newark st., Ward 11, 384; Newport st., Ward 13, 172; Norton st., Ward 15, 439; Pequot st., Ward 10, 334; Rosemary st., 371 (Acting Mayor G. A. Murray); Ruggles st., Ward 4, 173; Savin Hill ave., 172; Sherwood st., Ward 19, 196; Silver st., 464; Somerset st., Ward 3, 385; Speedwell st., Ward 15, 439; Spring Garden st., Ward 13, 385; Stonehurst st., 439; streets in Ward 15, 385; Telford st., Ward 22, 104; Upham ave., Ward 13, 172, 438; Walden st., Ward 10, 196; Ward 6 and 7, 196; Ward 8 streets, 458; Ward 10 streets, 21, 174; Ward 13 streets, 227 (by Acting Mayor G. A. Murray); Ward 19 streets, 228 (by Acting Mayor G. A. Murray); Ward 20 streets, 195; Ward 22 streets, 268; West Sixth st., South Boston, 439, 440; Whitby st., Ward 1, 392, 393; Wilder st., Ward 14, 383; Woodward pk. and Ingleside st., 336



## Mayor, The Hon. Maurice J. Tobin, Continued

messages, communications, orders:  
 retaining wall, Brown ave., Ward 19, 386  
 revenue from hackney carriage licenses and badges, 68  
 revenue lost to Elevated through operation of outside bus lines, 131, 132, 133  
 revocation of permit, County Coal Company, 69  
 safety island, Ward 2, 425  
 salaries paid, 288, 289  
 sales: boat "George A. Hibbard," 357, 473; city-owned horses, 399; land to Merchants National Bank, 112; land, Tufts and Medford sts., 325; old materials, 438; pigs, Deer Island, 151, 437, 438; property on Brooks st., Brighton, 170, 171; property for unpaid 1938 taxes, 41  
 sanding beach, World War Memorial pk., 355  
 Saturdays off for hospital clerks, 337, 338  
 segregated budget for 1939, 144 to 150, inclusive  
 service on Elevated lines, 69, 70  
 service on Green st.—West Roxbury bus line, 101, 102  
 sewerage conditions, Ward 10, 128, 129  
 sewers, etc., Grove st., 282, 283  
 shelter: on Beacon st., 427; Blue Hill ave. and Seaver st., 130; Centre st., 101; Green st. station bus patrons, 104; Upham's corner, 415, 416  
 shower baths, Aquarium, 459, 460  
 showers in field houses, 372, 373 (Acting Mayor G. A. Murray)  
 shuttle line, North and South stations, 334, 335  
 sidewalks: Bigelow st., 126; Boynton st., Ward 11, 194; Brown ave., Ward 19, 228 (by Acting Mayor G. A. Murray); Chestnut st., Ward 10, 384; Dove and Jerome sts., 334; Elmont st., Ward 14, 229 (by Acting Mayor G. A. Murray); Florence st., Ward 19, 496; entrance to Franklin pk., 252 (Acting Mayor G. A. Murray); sidewalks and foundations near subway, 267; Gallivan blvd., 40; Hall st., Ward 11, 195; Haverford st., Ward 11, 385; Hawthorne st., Ward 19, 212, 459; May st., Ward 19, 336; McBride st., Ward 11, 173, 174; Perkins st., 464; Sawyer ave., Ward 13, 133; Summer st., Ward 20, 337; Van Winkle st., 438, 439; Ward 13, 427; Ward 16, 195; Ward 20, 196, 269, 473, 474; Washington st., Ward 19, 130; Washington st., Ward 20, 356; Weld ave., 312; Williams st., Ward 11, 214; Wren st., 268; Wyman st., Ward 10, 460  
 signal lights, Harrison ave., 425, 426  
 six-year evening high school course, 127  
 "Slow" sign on Amory st., 129  
 "Slow" signs, Dorchester ave., 22  
 smooth pavement for Park st., 102, 103  
 social worker position examination, 436, 437  
 Soden's field, Roslindale, 213  
 softball, Aquarium pk., 283  
 softball games, Roslindale municipal building, 415  
 solarium for women, 266  
 special taxi stand permits for 1939, 29  
 speedier collection of ashes, etc., Ward 10, 11  
 stairs, Sunset Hill pk. and Centre st., 268  
 stairway, Johnswood rd., Ward 19, 280  
 status of petition in Land Court re Young's Hotel, 335  
 step-raises for employees, 288  
 "stop" signs, Centre and South sts., 256 (Acting Mayor G. A. Murray), 266  
 street cleaning, Dorchester, 10  
 street improvements, Roslindale sq., 357 (Acting Mayor G. A. Murray)  
 street lighting, Ward 13, 397  
 street widenings, Charlestown, 268  
 Sullivan playground improvements, 256 (Acting Mayor G. A. Murray)  
 survey: of Arboretum Heights section, 305; of Blue Hill ave., 143; of Charlestown traffic conditions, 271; of part of Ward 19, 130; of streets constructed by W. P. A., Ward 20, 267  
 swimming pool, Franklin pk., 355  
 tablet, Ninth Regiment, 416  
 tax title loan, 124  
 tax title property information, 143, 144  
 temporary anticipatory borrowing, 10  
 total assessed valuation of Boston property, 174  
 traffic box, Brigham circle, 353 (Acting Mayor G. A. Murray)  
 traffic conditions, Roslindale sq., 356, 357 (Acting Mayor G. A. Murray)  
 traffic lighting: Blue Hill ave. and Seaver st., 143; Centre st., 338; Charles st., 414; Commonwealth ave., 127, 128; Bennington st., 227 (by Acting Mayor G. A. Murray); Cummins Highway—Brown ave., 103; Cummins Highway and Hyde Park ave., 69; East Newton st. and Harrison ave., 426; Jamaica Plain, 256 (Acting Mayor G. A. Murray); Westland ave. and Hemenway st., 59; Ward 1, 69  
 traffic regulation, Centre st. and Arborway, 40  
 training course, aviation mechanics, 253 (Acting Mayor G. A. Murray)  
 transfers: within departmental appropriations, 373 (Acting Mayor G. A. Murray), 398, 415, 435; Commodities station, Roxbury, 382, 383; to H relief projects items, library department, 399; income from Parkman Fund, 216, 312, 353, 393, 394, 436, 457, 485; land, Albany st., 270; land to Loew's, Inc., 252 (Acting Mayor G. A. Murray); of Marion st. fire station, 43; of parental school property, 43, 44; for zoning board, 359  
 transportation of talent, sanatorium, 289, 290  
 tree planting, 416  
 turn, Asticou rd. and Washington st., 497  
 \$2,000,000 tax title loan, 359

## Mayor, The Hon. Maurice J. Tobin, Continued

messages, communications, orders:  
 underground wires, 287; Ward 10, 354 (Acting Mayor G. A. Murray); Ward 13, 354 (Acting Mayor G. A. Murray); Jerome st., 416  
 underpass at Parsons st., 356  
 use of abandoned school as branch library, West Roxbury, 69; William Eustis school Roxbury, 437; land on Alexander st., 383; land, Dorchester ave., 371 (Acting Mayor G. A. Murray); school buildings by organizations, 126, 127; schoolhouse halls and playgrounds, 417; tunnel, Broadway and Dorchester ave., 381, 382; water division balance toward debt requirements, 150  
 valuation of property adjacent to Old Harbor Village, 369 (Acting Mayor G. A. Murray)  
 Walnut pk., Ward 11 improvements, 171, 172  
 water shut-offs, 281  
 welfare cases in housing area, 371, 372 (Acting Mayor G. A. Murray)  
 "white way" lighting, Grove Hall, 266  
 wire fence, Stellman rd., 283  
 withdrawal of proposed salary increase for sheriff, 269  
 Worcester sq. improvements, 459  
 W. P. A. project for Ward 17 sidewalks, 173  
 W. P. A. street projects, Ward 20, 195  
 youth center, Franklin pk., 15  
 vetoes:  
 amendment of retirement system, 70, 71  
 Blue Hill ave. underpass, 29  
 Daniel A. Whelton payment, 9, 10  
 dog racing, Boston Garden, 142  
 dog racing, Readville, 29  
 driveway opening, Tremont and Weston sts., 312, 464, 485, 497  
 legislation increasing policemen's pensions, 111  
 license to Modern Bus lines, 435  
 licensing cigarette-vending machines, 473  
 municipal building, near Franklin field, 29  
 name, "Charles E. Mackey sq." 456  
 one-day-off-in-seven for police, 142  
 ordinance re cigarette-vending machines, 252  
 ordinance re water rate liens, 489  
 pension plan for fire department, 70  
 Readville dog track, 71  
 sidewalk opening, 435  
 sidewalk orders: Perkins st., 435; Ward 3, 427  
 various orders, pensions, reinstatements, accident payments, 70  
 vending machine ordinance, 211, 212

## Mayor's Absences from City

May 3-5, notice received, 258  
 July 22-August 19, notice received, 361

## McMahon, George F., Councilor, Ward 8

notice of election to unexpired term of John F. Dowd, resigned, November 14, 1938, to become Suffolk County Sheriff, 89  
 ward area: South End and Roxbury, north  
 welcomed as fellow councilor by President Murray, 89  
 committees appointments:  
 appropriations, finance, public safety, vice resignation of Agnew, Taylor, Kerrigan, respectively,  
 executive  
 improvements, Ward 8:  
 FOR DETAILS: see Streets, Squares, Circles, names  
 Batchelder st., 433  
 East Newton st. at Harrison ave., 404  
 Harrison ave., at Dudley st., 404 (with Councilor Taylor)  
 Leyland st., 433  
 Mt. Pleasant ave., 395  
 Tremont st., 248  
 Worcester sq., 447  
 orders:  
 discharge of W. P. A. employees, 264  
 improvements, William Eustis playground, 191  
 improvement, Sullivan playground, 191  
 increase welfare allowance, 410  
 non-advertising of properties, 203 (with Councilor Kerrigan)  
 notary public in each welfare unit, 395  
 number of welfare employees, 362  
 reconditioning Orchard pk., 454 (2 orders)  
 roping off Union Park st., 119  
 transfer of commodities station at Hampden and Eustis sts. to George st. schoolhouse, 362  
 William Eustis playground improvements, 454  
 point of information:  
 reports of committees: EXECUTIVE, 424  
 remarks:  
 discharge of W. P. A. employees, 264  
 final proceedings, 505  
 increased welfare allowance, 410  
 notary public in each welfare unit, 395, 396  
 transfer of commodities station at Hampden and Eustis sts., Roxbury to George st. school, 362  
 welfare, W. P. A. and old age assistance center, Ward 8, 420

**Merchants National Bank**

preambles and order for sale of city's rights and title to two square feet of land, referred to executive committee, 112-passed, 122-second passing, 135

**Meridian Street Bridge, East Boston**

**alterations:** reports from finance commission, 394, 395, 431, 432  
**City Council order:** approving the Mayor's opposition to the high level of bridge and requesting further efforts *in re*, passed, 430  
**finance committee report:** received, filed, 407, 408  
**War Department order:** resolutions (2) *in re* passed, 430

**Metropolitan Affairs Committee**

Bill 198 favoring discontinuance of dividends on Boston Elevated Railway stock, resolution favoring enactment pending before committee, referred to executive committee, 119

**Metropolitan District Commission**

**airplane signals:** suitable warning signals on Bunker Hill monument, order passed, 264  
**bond of M. & R. construction company** filed with City Auditor; notice sent Council, 475  
**care and upkeep** of Neponset traffic circle transferred from street laying-out department, message and order referred to executive committee, 15-passed, 18  
**Chelsea creek land-taking:** notice of land-taking for Mystic Valley sewer, filed, 155  
**draining Muddy river, Hyde Park:** order to consider with W. P. A. labor, passed, 225  
**land-taking:** for southern high service water pipe lines, Morton st. and Arborway, copy of order filed, 467  
**neponset traffic circle:** transference of control from City of Boston to Commission for ninety-nine years, copy of indenture, filed, 73  
**notice of granting** to Boston Edison Company of cables and conduits, locations in West Roxbury Parkway, filed, 387  
**sidewalk, Washington st., Ward 20:** confer with public works department *re* installing from West Roxbury Parkway to La Grange st., 331

**Metropolitan Planning**

**Boston Elevated structure:** conveyance to city for highway improvements construction, resolution referred to executive committee, 71, 72

**Metropolitan Transit Commission**

**audit of Boston Elevated Railway books:** *see* Boston Elevated Railway, audit of books *or* pages 205, 206

**Milk**

**distribution price:** contact W. P. A. relative to return to former price to welfare and W. P. A. families, order passed, 379  
**free delivery station:** change of location, from Meridian st., East Boston, to less conspicuous site, order passed, 259-message, communication, 284  
**increased allowance:** to welfare recipients, order passed, 26-message, communication, 40, 41  
**price to welfare and W. P. A. families:** action taken by Massachusetts Milk Control Board tends to raise price to needy, order that the Governor be requested to instruct the control board to rescind order, referred to executive committee, 498-passed, 501  
**protest elimination:** of low price milk, organize committee of welfare and charitable bureau officials to protest to milk control board, order passed, 502

**Modern Bus Lines**

petitions for license to operate motor vehicles, pages 407, 424, 435, 475

**Mosquito Control**

**appropriation:**  
 as city's share, \$300, order referred to executive committee, 14-passed, 18  
 resolutions indorsing House Bill 851 and sending such approval to health committee, Room 450, State House, 137  
**nuisance:** \$700 appropriated for Charles River valley from contingent fund, referred to executive committee, 403-passed, 410

**Motor Vehicles**

**repairs:** order under six heads for information from public works department, passed, 221

**Muddy River**

**barrier erection:** for protection of children as W. P. A. project, order passed, 73, 74  
**draining off:** consider after loss of lives of three boys, work could be done by W. P. A. labor, order passed, 225  
**police guard:** until suitable barrier is erected, order passed, 74-message, communication, 133

**Municipal Buildings**

**Franklin field:** erection of building from income of George Robert White fund, order to consider passed, 36-message, communication, 102  
**Roslindale sq.:** screen on inside of windows to permit playing soft-ball games, order passed, 411-message, communication, 415  
**Ward 12:** order for erection as W. P. A. project or otherwise, passed, 410  
**West Roxbury:** erecting from W. P. A. funds, order to consider, passed 248

**Municipal Employment Bureau**

**\$19,000 from contingent fund:** order referred to executive committee, 42, 43-passed, 48

**Municipal Survey Committee**

**appropriation, \$25,000:** expenses, order referred to executive committee, 325, 326-not required fifteen votes, order rejected, 477, 478, 479-further consideration at next meeting, 479-order passed, 486, 487  
**increased departmental efficiency:** as result of services of committee, order passed, 484

**Murray, George A., Councilor, Ward 6, President of the Council, 1939**

**ward area:** South Boston, north  
**elected Council President** on eleventh ballot, 27  
**committee appointments:**  
 SPECIAL COMMITTEES: building code, 57  
 STANDING COMMITTEES: 35  
**improvements, Ward 6:**  
 FOR DETAILS: *see* Streets, Squares, Circles, names  
 Dorchester st., 271  
 (Charles E.) Mackey sq., 448  
 Silver st., 450  
 West Seventh st., 167 (with Councilor Kerrigan)  
 West Sixth st., 424 (with Councilor Kerrigan)  
**orders:**  
 aquarium, shower baths, 450  
 city election, November 7, 429 (2 orders)  
 five-day week for city workers, 271  
 hospital clinic, Old Harbor Village, 60 (with Councilor Kerrigan)  
 hospitalization of expectant mothers, 167  
 roping off for B. A. A. Marathon race, 166  
 roping off streets for Veterans of Foreign Wars parade, 374  
 soft-ball playing, Aquarium pk., 271  
 suspension of provisions in General Laws, 429  
 transfer of Dorchester Heights, 19 (with Councilor Kerrigan)  
 unfinished business, sale of city land, Brighton, 217  
 welfare centre, W. P. A. and old age assistance activities, Ward 8, 420  
**point of order:** reports of committees: EXECUTIVE, 331  
**remarks:**  
 executive committee reports-taxicabs, 48  
 final proceedings, thanks, 506  
 hospitalization of expectant mothers, 167, 168  
 thanks to fellow Council members for honor of election as Council President, 27  
**resolutions:**  
 confidence in fellow members, 48  
 erection of statue to Commodore John Barry, 329  
 General Edward L. Logan, 347 (with Councilor Kerrigan)  
 hospitality to President DeValera (2 resolves), 160  
 payment to Thomas E. Goggin, 19 (with Councilor Kerrigan)  
 pension to John H. Fisher, 17  
 retirement after twenty-five years' service, 60  
 transfer of Dorchester Heights, 24 (with Councilor Kerrigan)  
**statement:** ability of appropriations committee to arrange hearing, 207

**Mystic Valley Sewer**

notice from Metropolitan District Commission of land-taking, near Chelsea creek, filed, 155

**National Fireworks Company**

order withholding payment of fireworks bills until known damages have been reimbursed, passed, 348

**Necessities of Life, State Division**

**profiteering:** order to act against and consider calling special session for enactment of legislation *in re*, passed, 395 (2 orders)

**Neponset Stadium**

playground in Ward 16, order to erect with W. P. A. funds, passed, 25—message, communication, 40

**Neponset Traffic Circle**

transference of custody and control for ninety-nine years from Boston street commission to Metropolitan District Commission, indenture filed, 73

**New City Hall Appropriation**

transfer between departmental appropriations, referred to executive committee, \$19,964, 466—passed, 468—second passing, 475

**New England Telephone and Telegraph Company**

order to relist exchange for benefit of hospital and public, 157 (no Council action taken)

**New Police Stations and Additions**

transfer between departmental appropriations, referred to executive committee, \$5,880.92, 466—passed, 468—second passing, 475

**New York, New Haven & Hartford Railroad**

abolition of grade crossing at Bird st. station in Dorchester, order for at expense of Federal government under the Hayden-Cartwright Act, order passed, 207—message, communication, 269

order suggesting use of basement for revenue for parking space, passed, 86, 87

**1939 BUDGET**

lump sum for city and county: \$40,406,309.58 for city; \$3,813,910 for county; revenue departments income, \$2,050,000, referred to appropriations committee, 41, 42

**Ninth Regiment Tablet**

on Old Colony ave., Old Harbor Village, in memory of officers and men of Old Ninth Regiment of Massachusetts Volunteer Militia, charges to be taken from Phillips Street Fund, 416

**Non-Resident Employees****legality of action:**

information from law department as to legality of such action, order passed, 242, 243

information from law department *in re* action against teachers, order passed, 242, 243

**North and South Stations Shuttle Line**

Boston Elevated Railway Company to operate shuttle trains during summer months connecting with outgoing and incoming boats of Nantasket Steamship Line at Rowe's wharf, order passed, 300

**Norton, Clement A., Councilor, Ward 18**

ward area: Hyde Park and Mattapan

**committee appointments:**

appropriations, legislative matters (chairman), Parkman fund, 35 executive, public safety, 57

**improvements, Ward 18:**

FOR DETAILS: see Streets, Squares, Circles, names  
Canterbury st., 248  
Colorado st., 165

**Norton, Clement A., Councilor, Ward 18, Continued****improvements, Ward 18:**

Mary A. Doherty intersection of Standard, Freeland and Manchester sts., 225 (by Councilor Langan)  
Gilbert st., 404  
Green st., 121 (with Councilor Langan)  
Owen st., 165  
(Edward J.) White sq., 447

**motions:**

seventh ballot for Council President, 20

**orders:**

analysis of police personnel, etc., 164  
bus permits, Fall River and Boston, 93  
closing active city dumps, 139  
closing public dumps, Ward 18, 164  
day off in seven for police, 27  
draining off Muddy river, Hyde Park, 225 (by Councilor Langan)  
hearings *re* city hospital, 93  
entering age for school children, 409  
food stamp plan in Boston, 434  
garages in new apartment construction, 470  
juvenile delinquency cases, 448  
juvenile delinquents, 225 (by Councilor Langan)  
parking under Boston Common, 93  
police protection at rivers, 139  
proposed Byrnes Bill, 226 (with Councilor Rosenberg)  
protest of elimination, low price milk, 502  
replacing Grew and Damon schools, 379  
replacing Ward 18 school structures, 119  
school balls and yards open to public, 378  
study of Embargo Bill, 433  
surplus commodities plan for Boston, 476  
tax title land for play areas, 388  
unemployed seamen, 470  
unemployment of those over forty, 165

**points of information:**

Housing situation in Boston, 470  
information from hospital trustees, 138  
loss to Elevated through out-of-town bus lines, 94, 95  
point of information—housing order, 249

**point of order:**

reports of committees: EXECUTIVE, 483

**remarks:**

appointment, additional welfare investigators, 409, 410  
architectural services, housing projects, 12  
closing active city dumps, 139  
closing public dumps, Ward 18, 164, 165  
commissions paid by Boston Housing Authority, 445  
day off in seven for police, 27  
final proceedings, 503, 506  
food stamp plan in Boston, 434  
information *re* city hospital nurses, 92, 93  
information from hospital trustees, 137, 138  
juvenile delinquency cases, 448  
loss to Elevated through out-of-town bus lines, 94, 95  
Mr. and Mrs. John F. Fitzgerald, 401  
protest, elimination of low price milk, 502  
provision for nurses contracting illness, 476  
reopening Haymarket relief station, 96  
reports of committees: EXECUTIVE, 247, 262, 263, 482, 483, 501, 502;  
taxicabs, 48, 49; dog-racing tracks, 53, 55, 56, JITNEY LICENSES, 118  
statement *re* dog track, Hyde Park, 38, 39  
study of Embargo Bill, 433  
surplus commodities plan for Boston, 476  
tax title land for play areas, 388  
unemployment of those over forty, 165  
use, W. P. A. architects on housing projects, 488

**resolutions:**

Mr. and Mrs. John F. Fitzgerald, 401  
reinstatement of Paul A. Petzold, 27

**roll call requests:**

executive committee reports—taxicabs, 49

**unanimous consents:**

dog track, Hyde Park, 37, 38, 39  
reports of committees: ORDINANCES, vending machines, 164

**vote doubts:**

reports of committees: EXECUTIVE, 263

**Notary Publics**

in welfare units: for purposes of W. P. A. employment certification, order passed, 395, 396

**Oakdale Community Garage Bus Lines**

petitions to operate motor vehicles, page 177

**Offensive Magazines**

investigate various magazines offensive and destructive to morals of children as well as adults, order passed, 300

**Old Harbor Village**

**amount paid for site:** by United States Government or its agencies, order for information passed, 364  
**hospital clinic:** Boston Housing authority to establish clinic in village, order passed, 60—message, communication, 102  
**operating profit or deficit:** Boston Housing authority to report on operation until December 31, 1938, order passed, 249  
**total assessed value:** of thirty parcels of land adjacent to Village on January 1, 1938, and January 1, 1939, order for information from assessing department, passed, 363—message, communication, 369  
**water bills:** order under four heads, passed, 498  
**water leakage:** damages recently and cost of repairs, order for information passed, 475

**Ordinances**

**Acts of 1909, sect. 2, chap. 486:** prohibiting placing ice or snow in streets still in force, notice from city clerk, 467  
**cigarette and cigar-vending machines:** pages 73, 430, 431 of 1938 Proceedings; 162, 163, 164, 167, 209, 210, 211, 212, 252, 264, 276, 279, 322, 323, 463  
**Faneuil Hall lessees:** petition to close market at 4 p. m. daily, 461—given leave to withdraw, 491  
**handbill distribution:** amendment, 1925 Revised Ordinances, referred to ordinances committee, 156  
**handbills distribution:** message, communication and ordinance, referred to ordinances committee, 473—ordinance rejected, 502  
**licenses and permits:** for services for city by heads of departments or boards, ordinance referred to executive committee, 373—passed, 377  
**open-air parking space licenses:**  
 law and street laying-out departments consult for regulations, ordinance passed, 19—message, communication, 72  
 order for prompt draft of ordinance from law department, passed, 477—message, communication, 72  
**Revised Ordinance, chap. 8, sect. 7:** proposed amendment referred to ordinances committees, 450  
**Revised Ordinances, 1925:** change proposed in chap. 44, sect. 39, referred to ordinance committee, 398, 399  
**sect. 23, chap. 40, General Laws:** ordinance amending restrictions on park frontages, Dorchester way and Strandway, referred to executive committee, 358—amendment adopted, 377  
**special permits for driveway openings:**  
 Allecio, Louis A., 386-396  
 Atlantic Refining Company, 386-396, 467  
 Bianco, A. A., 326—granted, 330  
 Boston & Albany Railroad Company, 112—granted, 135, 271  
 Boston & Maine Railroad, 271—granted, 277  
 Boston Safe Deposit and Trust Company, 453; 453  
 Boston Terminal Company, 104—granted, 107—granted leave to withdraw, 477  
 Building Material Wholesalers, Inc., 374 (1938 Proceedings)—granted, 449, 450  
 Case, Myrtle J., 453—petitioner given leave to withdraw, 468  
 Codman, Edmund D., Trustee, 490—granted, 491  
 Coffman, Nathan, 291—granted, 468  
 Commonwealth of Massachusetts, 271—granted, 277  
 Copeland, Robert M. (February 20), granted, 242  
 (Herman G.) Curtis and Old Colony Trust Company, 490—granted, 491  
 D'Aloia, Z., 340-401  
 Davis & O'Connor, 428, 429—vetoed, 435; 497-502  
 DeCristofaro P., 360-377  
 Dolan, Charles B., 441—granted, 467, 468  
 Estate, Eben D. Jordan, petitions, two, October 17, 1938, 159—vetoed, 485  
 Estate, Thomas E. Proctor, petition, April 3, 1939—granted, 467, 468  
 Ezrin, Joseph F., 112, 159—granted, 162—message with veto, 212  
 Fichner, Rose C., petition, December 5, 1938—granted, 467, 468  
 Field, Edith G., 486—granted, 491  
 Fifty Associates, 410—granted, 410  
 Filling Station Realty Company, 490—granted, 491  
 Gavegnano, Jennie, 152—granted, 185  
 General Baking Company, 177—granted, 209; 261  
 Giampapa, Charles, 31—granted, 60  
 Greenberg, Joseph U., 72-107  
 Hersey Manufacturing Company, 407-410, see Reardon, John J.  
 Home Savings Bank, 241-262  
 Jackson, Mary B., page 417, Proceedings of 1938—granted, 156  
 Karas & Karas, 340-429  
 Liberty Mutual Trust Company, 373—(Liberty Realty Trust on page 462), 462  
 Long, Edna, 197—granted, 314  
 Lynn Institution for Savings, 31—granted, 60  
 Maher, William J., petition, October 24, 1938—granted, 162  
 Minot, Elizabeth, page 404, 1938 Proceedings—granted, 60  
 Moss Real Estate Trust, 428—granted, 449, 450  
 New England Mutual Life Insurance Company, petition, October 31, 1938—granted, 467, 468  
 New England Trust Company, 418—granted 449, 450—vetoed, 485  
 Newman, S., 271—granted, 314  
 Palder, Abe., 386—granted, 388—granted, 449, 450

**Ordinances, Continued**

**special permits for driveway openings:**  
 Palder, Sidney, 441  
 Proctor, estate of Thomas E., 159  
 Reardon, John J. (Hersey Manufacturing Company), 407-410  
 Ripley, William P., 441-453  
 Rizzo, Michael, 177—granted, 209; 467, 468  
 Sargeant, Cyrus, 453—granted, 467, 468  
 Shell Oil Company, 313—granted, 467, 468  
 Shepard, Grace F., 197—granted, 242  
 Skating Club of Boston, 399-405  
 Skinner, Otis A. B., 104—granted, 185  
 Suffolk Savings Bank, 177—granted, 209  
 Superior Realty, Inc., 258—granted, 277  
 Swartz, Morris, 104—granted, 113  
 White Tower Management, Inc., 258—granted, 277; 441-453, vetoed, 464  
 Wolk, Sam, 453  
 Wolongiewicz, John, 441—granted, 468  
**speed limit, Blue Hill ave., Charles and Seaver sts.:** law department to draft ordinance limiting speed for busses, order passed, 388  
**water rates unpaid:** amendment to Revised Ordinances, 1925, by inserting 26-A section, ordinance referred to executive committee, 328—referred to ordinance committee, 331—passed, 477—message and veto, 489, 490

**Ordinances Committees**

**members:** Councilors Taylor, chairman, Englert, Wilson, Langan, Carey, Sullivan, Kelly, 35  
**petitions:** 23, 31, 72, 104, 112, 159, 177, 197, 241, 258, 271, 291, 313, 326, 330, 340, 360, 373, 386, 399, 407, 418, 428, 441, 453, 461, 486, 490, 497  
**reports:** 60, 73, 107, 113, 156, 162, 209, 217, 242, 261, 277, 314, 330, 377, 388, 396, 401, 405, 429, 449, 450, 462, 467, 468, 477, 491

**Park Department**

**member appointed to board:** Theodore C. Haffenreffer to April 30, 1942, 467  
**abating five-cent charge:** to Boston swimming pools owned by city, order passed, 366  
**Albany st., South End playground:** loan of \$250,000 for playground, order referred to finance committee, 107  
**Alexander st. vacant land:** order to place under care of department for playground purposes, passed, 378—message, communication, 383  
**Amerena pk.:** order for iron fence around tablet, page 422, 1938 Proceedings—message, communication, referring to school department, 10—message, communication, 257  
**appropriation from Parkman Fund:** for underground convenience station for women and children at Charlesbank park to replace building formerly used as gymnasium, also erect building for dressing room for bathers, order passed, 361—message, communication, 370  
**Aquarium pk.:** Ward 6, put in condition for softball playing, order passed, 271—message, communication, 283  
**Aquarium show baths:** repair for use by boys playing football nearby, order passed, 450—message, communication, 459, 460  
**Arborway pk.:** at Forest Hills, Ward 19, order for repair, passed, 140—message, communication, 174  
**attendant, field house:** experienced first-aid assistant at each field house and playground, order passed, 18—message, communication, 30  
**auto prohibition:** at Franklin pk. for safety of pedestrians, order passed, 299—message, communication filed, 335  
**Barry playground:** W. P. A. project for enlargement of locker and shower buildings, order passed, 454—message, communication, 459  
**baseball season facilities:** in Ward 1, World War Memorial pk., Noyes' playground, American pk., American Legion pk., order to place in suitable condition, passed, 210—message, communication filed, 255, 257  
**beach in Charlestown:** to establish, from Chelsea to Mystic sts. for tenants of Charlestown housing unit, order to cooperate with Boston Housing Authority, passed, 275, 276—message, communication, 283  
**Blue Hill ave. near American Legion highway:** complete sidewalk project now unfinished, order passed, 141  
**car reservation:** replaced by grass-plotted safety islands, order for as W. P. A. project, passed, 420  
**(William E.) Carter playground:** regrade, clean, repair benches, install shower baths, etc., order for, passed, 389—message, communication, 393  
**cement walks, Worcester sq.:** as W. P. A. project, order passed, 447  
**cemetery fund:** 1939 budget item for maintenance, \$60,000; order for appropriation from fund referred to appropriations committee, 171—referred to executive committee, 207—passed, 209  
**Charlesbank pk.:** put in suitable condition for children using park, order passed, 261—message, communication, 289

## Park Department, Continued

- city-owned beaches:** order to provide for sanding, passed, 242
- concrete sidewalk:** Columbia rd. at entrance to Franklin pk.; see also Public Works Department, sidewalk orders, passed, Ward 14
- Daisy field:** on Jamaicaaway, Ward 10, placing in suitable condition for baseball, order passed, 378—message, communication, 383, 384
- Mary Draper playground:** order to place a matron during summer season, passed, 209—message, communication, 257
- dust nuisance:** order for abatement in Joseph Lee playground, passed, 471
- William Eustis playground:** resurface and repair locker house and showers, order passed, 191—message, communication, filed, 255  
duplicate order, passed, 454—message, communication, 460
- Fallon field:** install arc lights from Belgrade ave. to Robert st., order passed, 208—message, communication, 257
- Franklin field:**  
erect fence or decoration to eliminate view of cemetery from grandstand, order passed, 300—message, communication, 337  
first-aid installation in playground, order passed, 347—message, communication, 353  
reconditioning tennis courts, also Norfolk St. playground, order passed, 376—message, communication, 383  
remark shuffle board courts, order passed, 346—message, communication, 353
- Franklin field stadium:** erection with income from George Robert White Fund, order to consider, 191
- Franklin park:**  
baseball diamond, order for construction as W. P. A. project, passed, 199—message, communication, 255  
construct swimming pool under W. P. A. project, order to secure, passed, 346, 347—message, communication, 355  
construct wading pool from income of George Robert White Fund, order passed, 329  
erect drinking fountains especially near ball field, order passed, 363—message, communication, 369  
secure W. P. A. project for repairing old benches and erecting new, order passed, 363—message, communication, 368
- Healey field:**  
reopen tennis courts, order passed, 348—message, communication, 353  
wire fence on Stellman rd. side as protection against balls, order passed, 261—message, communication, 283
- L st. bath house:** women's solarium as W. P. A. project or other available funds, order passed, 242
- loan, municipal building, Franklin field:** resolution for legislative enactment, passed, 17—message, veto, 29
- McConnell park, Savin Hill:** order to flood for skating and to keep field house open, passed, 487—message, communication, 489
- Muddy river barrier:** for protection of children, order for erection as W. P. A. project, 73, 74
- municipal building, Roslindale sq.:** screen on inside of windows to permit use of building for softball games, order passed, 411—message, communication, 415
- municipal stadium:** consider erecting in some accessible location, order passed, 470
- municipal stadium, Ward 16:** on Neponset playground with P. W. A. funds, order passed, 25
- Norfolk Street playground:** to sponsor a W. P. A. project for erection of grandstand, order passed, 418—message, communication, 451
- North End park:** six improvements to baseball field, games apparatus, tennis court installation, clean, resurface beach, remodel pier; installing equipment, order passed, 328—message, communication, 355
- North End playground:** loan of \$250,000 for playground, order referred to finance committee, 106
- Orchard park, Ward 8:** new walks, iron fence and general reconditioning; also reconditioning playground (2 orders), order passed, 454—message, communication, 460
- Parkman Fund appropriation:** legality of use for recreational building in Charlesbank pk., order for opinion of law department, passed, 453—report filed, 496
- Parkman playground:** Wachusett st., Jamaica Plain, open and custodian in attendance, order passed, 35—message, communication, 58
- Pine Banks, Jamaica Plain:** reopen tennis courts, order passed, 348—message, communication, 352, 353
- playground, Bowdoin school yard:** use after school hours and during summer, order passed, 300—message, communication, 338, 339
- playground gift to City:** message, preambles and order for acceptance of land, Mill and Mt. Vernon sts., referred to executive committee, 30, 31—passed, 35
- playground, Jeffries Point:** order to consider constructing from George Robert White Fund, passed, 108
- playground, Lamartine and Green sts.:** on vacant land, Ward 19, order passed, 322—message, communication, 338
- playground, Prince st.:** remove debris, make improvements, install proper lighting facilities, order passed, 119—message, communications, 129

## Park Department, Continued

- playground, Ward 20:** section along Veterans of Foreign Wars parkway between Corey and Church sts., two orders, passed, 166
- reimbursements for employees sued:** Edson, Albert I., paid \$1,000 from contingent fund, 278
- retirement:** William S. Kenney, laborer, order passed, 27
- Ronan park:** order to flood park and Ceylon st. playground, passed, 500
- Savin Hill playground:** install hockey rinks, order passed, 500
- shower baths in field houses:** turn on water at playgrounds, order passed, 364, 365—message, communication, 372, 373
- sidewalk, Franklin pk. entrance:** order passed, 218—message, communication, filed, 252
- Sullivan playground:** resurface, repairs to locker, install swings, etc., passed, 191—message, communication, 256
- tax title land for play areas:** study in various parts of city of land from which no taxes have been received for years, order passed, 388
- transfers from Parkman Fund, orders passed:**  
\$11,800.16, 485-486  
\$70,000, 216-223  
\$35,000, 312-319  
\$32,000, 358, 359-366  
\$20,000, 393, 394  
\$25,000, 457-463  
\$22,000, 436-449
- transfers:** from public buildings, to park department, land bounded by Folsom, Hartley, Dudley sts. and Howard ave., order passed, 395
- tree planting, Columbus ave.:** on the two main arteries leading into heart of Boston, Huntington ave. and Columbus ave., order as W. P. A. to plant trees, passed, 411—message, communication, 416, 417—message, communication, 451
- West End playground:** appropriation by loan of \$250,000 for playground, order referred to finance committee, 107
- World War Memorial park:** sanding beach in East Boston, order passed, 347—message, communication, 355

## Parking

- ANGLE PARKING ON CENTRE ST., WARD 20:** order to permit between Temple and Weld sts., passed, 378
- OPEN-AIR SPACES LICENSES:**  
ordinance re outdoor parking, passed, 19, 47—message, communication, 72  
temporary licenses and conspicuous posting of license, orders passed, 19
- RESTRICTIONS, WARD 17:** no parking both sides of Moultrie, Kenwood and Lyndhurst sts., within 200 feet of Washington st., order to establish, passed, 36
- UNDER BOSTON COMMON:** consider tunneling under Common for parking space, construction to be done by W. P. A. labor, order passed, 93
- UNDERNEATH SOUTH STATION:** order to suggest use of unused basement area of New York, New Haven and Hartford Railroad for parking facilities, as means of revenue to Old Colony Division, passed, 86, 87

## Parkman Fund

- TRANSFERS TO PARK DEPARTMENT, ORDERS REFERRED TO EXECUTIVE COMMITTEE AND PASSED:**  
\$70,000, 216-223  
\$35,000, 312-319  
\$32,000, 358-359  
\$20,000, 393-394  
\$25,000, 457-463  
\$11,800.16, 485-486  
\$22,000, 436-449
- TRANSFERS TO PARK DEPARTMENT:**  
legality of appropriation; opinion of law department in re appropriations for construction of recreational buildings, on Charlesbank pk., order passed, 453—message, report, 496  
order for appropriation for underground convenience station for women and children at Charlesbank pk. to replace building used as gymnasium, also a locker building as dressing room for bathers, passed, 361

## Parkman Fund Committee

- members:** Councilors Kelly, chairman, Lyons, Norton, Galvin, Hutchinson, 35

## Payments

- see Pensions and Annuities, name  
also Claims, reimbursements, division, name  
also City Council, payments, name

## Penal Institutions

- DEER ISLAND CHARGES:** investigation by prison inspection committee of Commissioner Lyman's charges, order referred to prison inspection, committee, 164
- HOUSE OF CORRECTION, DEER ISLAND:** sale of pigs, 22,500 pounds, worth approximately \$2,000 to \$2,500 at present prices, order referred to executive committee, 151-passed, 167
- PRISON INDUSTRY FUND APPROPRIATION:** consider appropriating \$5,000 to allow continuation on full time, order referred to executive committee, 160, 161-passed, 167
- SALE OF PIGS:**  
order to sell at auction 10,000 lbs. at upset price, \$600 or \$700, referred to executive committee, 437, 438-passed, 449  
transfer of House of Correction from City to State suggested by finance commission, 152, 153, 154

## Pensions and Annuities

- ALEXANDER, MRS. ERNEST,** husband, late member of fire department, petition, 453
- BODDREAU, MRS. LOUIS H.,** husband, late member of fire department, petition, received, 197
- DAVIS, MRS. THOMAS A.,** husband, late of police department, petition received, 360-order for \$2,400 for self and seven children, passed, 462, 463
- DOLAN, MRS. CHARLES F.,** husband, late of fire department, petition received, 217
- ENOBERO, MRS. HJALMAR L.,** husband, late member of police department, 387
- TO FAMILIES OF EMPLOYEES:** legislative enactment for payment to families of those injured in performance of duties, order passed, 119-message, communication, 124, 125
- FEWKES, ERNEST E.,** hospital department employee, petition for annuity for disability contracted in duty, order referred to executive committee, 374; order for acceptance of chap. 386, Acts of 1939 referred to executive committee, 374-two orders passed, 377
- FIREMEN INJURED IN LINE OF DUTY:** resolution for legislative enactment, passed, 156
- FISHER, JOHN H.,** late of police department, resolution for enactment, passed, 17
- GOOIN, THOMAS E.,** former employee of city and county, resolution for legislative enactment for payment, \$1,200 passed, 19
- HARRINGTON, EDWARD F.,** late of police department, retirement on full pay, order favoring legislative enactment passed, 26
- HART, MRS. WILLIAM,** husband, late of fire department, petition received, 418
- HOOAN, HENRY FRANCIS,** late of police department, resolution passed, 11
- KILLIAN, MRS. JOSEPH D.,** husband, late member of police department, petition received, 197
- MCDERMOTT, MRS. JOHN J.,** husband, late of fire department, petition, 312-ordered paid \$1,200 annually from fire department fund, 486
- MCLAUGHLIN, MRS. BERNARD P.,** husband, late of fire department, 258
- MURNAE, MRS. PAUL J.,** petition, 159- order for payment of \$1,000 for widow and \$600 for three minor children, passed, 377
- O'BRIEN, MRS. JOHN W.,** husband, late member of fire department, ordered paid \$1,000 for self and \$200 each for two children, chargeable to fire department pensions and annuities fund, 106
- SHUGRUE, MRS. HELEN A.,** husband, late of fire department, petition, 360
- 16 PETITIONS for annuities for widows of former fire and police department members, denied because of medical examiner's disapproval, report of executive committee, 502**
- STEVENS, MRS. THOMAS J.,** \$1,000 annuity for death of husband, late of fire department, resolution approving passed, 244
- SULLIVAN, MRS. MICHAEL D.,** husband, late of fire department, 461
- QUIRK, MRS. MICHAEL F.,** husband, late of fire department, 461
- SUPPLE, THOMAS G.,** late of police department, resolution passed, 11
- TRACY, MRS. JAMES E.,** husband, late of fire department, petition received, 418
- TWIOO, MRS. GEORGE F.,** husband, late of police department, 326
- WELCH, MRS. WILLIAM T.,** husband, late member of police department, petition, 340

## Pet Shops

- investigation:** police department to make immediately, of records and conditions, order passed, 136-message, communication, 176

## Phillips Street Fund

- portrait, Governor Andrew in Faneuil Hall, repair charge \$25, order referred to executive committee, 14-passed, 18

## Playgrounds

- Albany st., South End playground:** order for \$250,000 appropriation by loan, referred to finance committee, 107
- North End:** loan for building, \$250,000, order referred to finance committee, 106
- West End:** appropriation by loan for \$250,000, referred to finance committee, 107

## Plymouth & Brockton Street Railway Company

- petition to operate bus line from Quincy line to Ashmont station, 399

## Point of Information

- inquiry by Councilor Norton about the housing order before the executive committee, 249

## Police Department

- additional foot patrolmen:** in Grove Hall district especially at night, order referred to executive committee, 448-passed, 449
- additional officers:**  
one hundred, order passed, 64  
notice of appointment of Lieut. George H. Bird as keeper of city lock-up for one year to August 31, 1940, filed, 387
- analysis, police personnel, etc.:** bring up to date analysis given on page 820, *City Record* of 1935, order passed, 164
- cigarette vending machine regulations:** under ten heads (no action taken), 226
- court compensation:** for extra time required for case prosecution, order passed, 65
- day off in seven:**  
consider without additional expense to city, order passed, 27  
acceptance of Acts, 1938, chap. 122 providing for day off, order passed, 113, 114-message and veto, 142
- distribution of personnel:** information under twelve heads, order passed, 61 to 64, inclusive-message, communication, 98, 99
- filling vacancies:** caused by death, resignation or retirement since November, 1938, order passed, 389
- garbage and refuse dumping:** take steps necessary to prevent in vacant lots, order passed, 222
- guard for Muddy river:** until suitable barrier is erected, order passed, 74
- information in re personnel:** from January 1, 1938, to January 1, 1939, number of members resigned, died, pensioned and retired, discharged, total number of vacancies, order passed, 160-message, communication, 228-message communication, 253 to 255, inclusive
- number of arrests made:** in past three years, order under three heads passed, 119, 120
- officers at dangerous intersections:** number where there are no traffic lights, order passed, 65-message, communication, 98
- parking regulations:** enforce, vicinity of Supreme Market, Gallivan Blvd., Dorchester, order passed, 486
- pensions and annuities:** (2) 11, 17, 26, 79, 193, 360, 387, 462, 463
- patrolmen, Grove Hall section, Dorchester:** communication by Councilor Rosenberg, 449-message, communication, 458
- prosecution of violations:** of 1925 Revised Ordinances, chap. 39, sect. 44, officers to enforce provisions, obtain names of owners and addresses before November first of each year, orders passed, 156
- protection at rivers:** consider assigning officers to cover during summer the sections flowing through residential areas, order passed 139-message, communication, 176
- reimbursement of employees' claims paid from contingent fund:**  
\$108.51 and \$309.21, William Brauneis, claim 59, paid, 106  
\$250 and \$50, Charles M. McNeill, claim, 59-paid, 106  
\$309.91, William L. Toohor, 106  
\$450, Timothy J. O'Keefe (claim, page 245, 1933 Proceedings)-paid 120  
\$800, Albert F. Wagner, 348  
\$800, Felix F. Sharkey, 483  
\$43.03, Elmer R. Crawford (429, Proceedings of 1938)-paid, 106  
\$95, Wendell A. McKinnon, 226  
\$75, William A. Fox, 278  
\$59.80, Cornelius F. Mahoney, 321
- reinstatements:** 17, 27, 34, 47, 60, 107, 168
- reinstatements and retirement legislation:** for certain police department members, orders vetoed, 70
- search for missing children:** police and fire departments cooperate in search for Elizabeth Roche and Lawrence Bowles, aged seven, order passed, 66
- snow removal:** officers to enforce regulation regarding removal within forty-eight hours after storms, order passed, 64
- subversive propaganda:** order to submit to City Council newspapers magazines and other material secured in the investigation of radical activities, passed, 90

**Police Department, Continued**

- taxicab inspection:** order for commissioner to suspend licenses of all taxicabs mechanically imperfect, passed, 493
- temporary taxi permits:** until adoption by Council of statutes voted on November, 1938, order passed, 27
- traffic box, Brigham circle:** for officer during day for pedestrian traffic, order passed, 346
- vacation:** sixteen days instead of fourteen, order passed, 209

**Printing Committee**

- members:** Councilors Sullivan, chairman, Fish, Lyons, Harris, Galvin, 35

**Printing Department**

- acting superintendent appointed:** James J. McCarthy, effective October 2, 429
- injury compensation:** William L. Hagan, order for departmental transfer within appropriation, \$890.06, referred to executive committee, 435-passed, 449
- transfer within department:** \$410.74 to equipment, 360-366

**Prison Industry Fund**

- order for appropriation of \$5,000, referred to executive committee, 160, 161-passed, 167

**Prison Inspection Committee**

- members:** Councilors Fitzgerald, chairman, Shattuck, Kerrigan, Taylor, Rosenberg, 35
- report:** 491, 492

**Public Buildings Department**

- abandoned Brewster school:** transfer from school committee department to this department for recreational uses in locality, order passed, 299
- Council chamber repairs:** information as to approximate date when work will start, order passed, 90-message, communication, 130
- Dillaway house:** for Gold Star Mothers' meeting place, order to arrange, passed, 192
- municipal building, Ward 12:** order to consider erecting as W. P. A. project or otherwise, passed, 410
- municipal building, West Roxbury:** erection by W. P. A. funds, order to consider, passed, 248
- reconstruction of branch library:** formerly West End church, historic building, order to engage a qualified architect to supervise work or repair, passed, 260
- sandblasting City Hall walls:** in connection with present remodeling work, order to consider, passed, 166
- transfers:** from public buildings to park departments, land bounded by-Folsom, Hartley, Dudley sts. and Howard ave., order passed, 396

**Public Hearings**

- Eastern Massachusetts Street Railway, 313
- Federal Housing, 301, 302; continuation of hearings, 350, 351-order for ward hearings withdrawn, 351
- Plebiscite-Federal Housing, 303, 304

**Public Lands Committee**

- members:** Councilors Irwin, chairman, Fitzgerald, Agnew, Englert, Langan, 35

**Public Safety Committee**

- members:** Councilors Carey, chairman, Taylor, Hutchinson, Wilson, Norton, Lyons, Kerrigan, 57-Councilor McMahon appointed, *vice* Councilor Kerrigan, resigned, 120
- reports:** 48

**Public Utilities Commission**

- notice of service discontinuance** on Boston, Revere Beach and Lynn Railroad on November 9, 1939, filed, 441
- order considering election of commissioner by public vote,** passed, 424

**Public Utilities Commission, Continued**

- public hearing:** law department to request hearing relative to five-cent fare zones reduction, order passed, 443
- rescission of increase in gas rates:**  
to small consumer, order for conference of Governor Saltonstall with Commission, order passed, 418  
order to appeal to Supreme Court from decision in rate controversy, passed, 424  
to small consumer, order for Governor Saltonstall to use every effort for rescission, passed, 419
- suspension,** five-cent fare zone order: confer with Mayor for suspension until public hearing can be held, order passed, 454
- thanks to Commissioner Webber** for lone opposition to gas rates increase by commission, resolution passed, 418

**Public Utilities Companies**

- order on failure of companies to make suitable repairs where streets have been dug up by companies, order to institute proceedings referred to executive committee, 419

**Public Welfare Committee**

- members:** Councilors Galvin, chairman, Wilson, Lyons, Hutchinson, Harris, 57

**Public Welfare Department**

- overseers appointed:** Joseph H. Sasserno to fill vacancy, 73
- organization of board:** Clifford P. Warren, chairman; John J. Walsh, *vice* chairman; Edward B. Willey, treasurer; William G. O'Hare, secretary and executive director at \$6,000, filed, 242
- organization notice:** election John J. Walsh, *vice* Clifford P. Warren, as chairman, and Mrs. Margaret J. Gookin, *vice* John J. Walsh, as *vice* chairman, 374
- abatement granting:** transfer of power for tax abatements to widows and people in poor financial circumstances to welfare department from assessing board, order for legislative initiation by law department, referred to executive committee, 202, 203
- additional investigators:** consider appointment to care for applications for recertification for W. P. A., order passed, 409, 410
- admission** without fee to maternity ward: of expectant mothers whose husbands are on W. P. A. or welfare recipients, order passed, 167, 168
- butter distribution:** to W. P. A. workers and welfare recipients of Boston, order passed, 162; order as above passed, 191-message, communication, 256
- coal deliveries:** to recipients, quality and weight and evidence of criminality with order for District Attorney to prosecute, order passed, 122
- coal for recipients:** report (on order pages 386 and 309, 1938 Proceedings), filed, 15
- examination for social worker:** requirements three months or more experience, order passed, 411-message, communication, 436, 437
- free milk delivery station:** change from Meridian st., East Boston, to a less conspicuous location, order passed, 259
- fuel for needy:** for coming winter, order to supply, passed, 430-message, communication, 458
- fuel for recipients:** type to be checked for each welfare family, order passed, 12
- increased allowance:** for recipients since rise of foodstuff prices, order passed, 410-message, communication, 425
- information requested:** *in re* residents of housing areas and assistance to families being moved out of areas, order passed, 349
- insurance policies:** to permit welfare recipients to retain policies for six months after being put on welfare rolls, order passed, 109-message, communication, 125
- loan, \$1,270,000:** message and order referred to finance committee 427, 428-order read and passed, 443, 444
- milk allowance:** increase to recipients, order passed, 26
- milk delivery station:** change from Meridian st. to less conspicuous location, order passed, 259-message, communication, 284
- milk distribution:** conference with W. P. A. relative to return to former price to welfare and W. P. A. families, order passed, 379
- monthly lottery:** law department to draft and present at Massachusetts legislature bill for lottery for department of welfare, order referred to executive committee, 277
- non-support proceedings:** welfare employees not to advise unless justified by thorough investigation, order referred to executive committee with requested attendance of trustees at meeting, 25, 26
- notary public in each unit:** authorization of one person in unit to take care of W. P. A. employment details, order passed, 395, 396-message, communication, 417

## Public Welfare Department, Continued

- notice of calls:** advance notice of visitors' intended calls, order passed, 469
- payments before Christmas:** for season's purchases, order passed, 484
- preference in snow removal work:** to recipients of welfare aid if physically able and also citizens, order passed, 140—message, communication, 176
- present workers sufficient:** inform City Council of adequacy of present number to handle applicants caused by reduction of W. P. A. employment, order passed, 362—message, communication, 382
- reimbursement:** by Babcock Coal Company for improper fuel furnished welfare recipients, order for law department to seek reimbursement to city, passed, 349
- snow removal work pay:** additional to welfare aid making no change in family allotment, order passed, 140
- State Emergency Finance Board:** approval of \$3,455,000 loan for welfare and W. P. A. projects, filed, 361
- tenancy preference:** to old age assistance and mothers' aid cases, order pages 419, 420, 1938 Proceedings—message, communication, 16; message, communication, 103, 104
- water shut-off:** on residential property of owners receiving welfare; order not to allow, passed, 259—message, communication, 281
- welfare, W. P. A. and old age assistance activities:** in Ward 8, alterations to William Eustis school, for use as center for welfare activities, two orders, passed, 420

## Public Works Department

- Arboretum Heights, Ward 19:** survey for resurfacing all streets in section, order passed, 263—message, communication, 305
- Boston Elevated street car tunnel:** open for vehicular tunnel at Broadway and Dorchester ave., order passed, 362
- cleaning gutters orders passed:** Ward 20, 208
- cleaning streets orders passed:**  
all streets during summer season, 332—message, communication, 355, 356  
Ward 13, page 268 of 1938 Proceedings, 10 (1939), 47
- Coleman Disposal Company:** compliance with sanitary regulations relative to covering garbage driven through Dorchester district, order passed, 402
- collection of ashes, garbage:**  
**FAILURE IN REGULARITY:** order pages 409, 424 in 1938 Proceedings—message, communication, 11  
Ward 10; orders for immediate and better collections, pages 304, 328, 408 in 1938 Proceedings—message, communication, 11
- completion of Boylston st. bridge repairs:** order to hasten work, passed, 136
- data re city yards:** number and location of active yards in city at present, order passed, 261—message, with report, 305, 306
- filing cabinets for water division:** for department records, order passed, 79, 80
- grade crossing:** elimination at Bird st. station of New York, New Haven & Hartford Railroad in Dorchester under Federal funds by authority of Hayden-Cartwright Act, order passed, 207
- guard rails on bridges:** Alford st. bridge and Prison Point bridge order for installation for safety of motorists, passed, 484—message, communication, 489
- issuance of snow buttons:** for snow removal work, by Councilors to constituents, order referred to executive committee, 60, 61
- lighting orders passed:**  
Ward 13, 120, 332  
Ward 14 (whiteway), 218, 449  
Ward 15, 300, 419  
Ward 19, 191, 273, 300  
Ward 20, 65, 137, 208  
Grove Hall district, immediate inspection relative to additional lighting facilities for general safety of public, referred to executive committee, 448—passed, 449
- motor vehicle repairs:** order under six heads for information, passed, 221—message and report sent, 282
- Muddy river barrier:** for protection of children, order for erection as W. P. A. project, 73, 74
- order for survey of "White City" section of Ward 19,** with view to building new streets and repairing present, passed, 97
- paving service:**  
H. RELIEF PROJECT, \$150,000: order outside debt limit, referred to executive committee, 414—second reading and passage, 429
- razing buildings:** all on site former West Roxbury Veterans' Hospital as a W. P. A. project, order passed, 80—message, communication, 131
- reconstruction orders passed:**  
Ward 10, 387  
Ward 13, 155  
Ward 19, 225

## Public Works Department, Continued

- reimbursement of employees' claims from contingent fund:**  
\$6.20, Arthur L. Pumphret, claim, 59—paid, 106  
\$125, Frank Donlan, claim, 112—paid, 157  
\$1,200, Neil P. Coyle, claim, 112—paid, 162  
\$100, Neil M. Murphy, claim, 290—paid, 322  
\$19.20, Joseph P. Kolf, claim, February 27—contingent fund ordered to pay, 120  
\$39.70, John J. O'Hearn, 225, 226  
\$160, Edmund F. McKenna, 321  
\$100, Francis E. Glennon, 322  
\$100 and \$50, Edwin J. McLaughlin, 331  
\$25, James P. Craig, 377  
\$140.01, William H. Veno, 453  
\$92, Martin J. Davern, 453, 454  
\$97.56, Cataldo Ciacco, 432  
\$40, Walter F. Wenzel, 432  
\$27.60, Bernard F. Glynn, 493  
\$26.83, Edmond A. Marks, 493  
\$200, Neil M. Murphy, 493  
\$62.50, Max Levine, 493
- removal of ice and snow:** from crosswalks, Ward 14, order passed, 65
- removal of snow—changes:** in chap. 44, section 39, Revised Ordinances of 1925, ordinance change referred to ordinance committee, 398, 399
- repair and construct orders passed:**  
Wards 13 and 14, 378
- repairing steps, Johnswood rd., Ward 19:** on stairway, order passed, 208—280; duplicate order, passed, 331
- repairs by utilities companies:** order to collect on bonds filed by companies when failing to make suitable repairs after street is disturbed by companies, order referred to executive committee, 419
- repaving orders passed:**  
Ward 3, 105  
Wards 4 and 5, 471  
Ward 10 (4), 157, 388  
Ward 11, 379  
Ward 13, 378  
Ward 14, 378  
Ward 15, 272  
Ward 20, 378
- replacing manhole covers, South st., Ward 20:** order to replace covers from Robert to Centre sts., passed, 155
- replacing water main, Huntington ave.:** between Brigham circle and overpass on Huntington ave., Ward 10, order to expedite work, passed, 135, 136
- resurfacing orders passed:**  
Ward 1, 388  
Ward 3, 65, 300, 328  
Ward 4, 36  
Ward 6, 167, 450  
Ward 7, 167, 424  
Ward 8, 395, 433  
Ward 10, 21, 60, 165, 263, 363  
Ward 11, 120, 155, 275, 330, 347, 378  
Ward 13, 136, 155, 156, 207, 222, 300, 347, 402, 410  
Ward 14, 107, 136, 346  
Ward 15, 419  
Ward 16, 484  
Ward 17, 494  
Ward 18, 121, 404, 414  
Ward 19, 121, 162, (2) 191, 300, 322, 396  
Ward 20, 151, 248  
Wards 21, 22, B and A, bridge, 37; 222  
Ward 22, 28, 109, 223, 242
- retaining wall at Brown ave.:** order to build, passed, 331
- sale, city-owned horses:** order for, at public auction, passed, 399
- sewerage conditions, Ward 10:** order page 422, 1938 Proceedings—message, communication, 128, 129
- shutting off water:** on residential property of owners receiving welfare, old age assistance, or employed on W. P. A. projects, order not to shut off or diminish supply, passed, 259—message, communication, 281
- sidewalk assessment orders passed:**  
Ward 21 (\$108.44)
- sidewalk orders passed:**  
Ward 1, 21, 347, 387, 462  
Ward 3, 395  
Ward 10, 363, 377, 454  
Ward 11, 48, 155, 188, 330, 418  
Ward 13, 80, 208, 402, 430  
Ward 14, 161, 218; also Park Department  
Ward 15, 322  
Ward 16, 25, 80, (2) 188, 403, 470, 477  
Ward 17, 113  
Ward 18, 248  
Ward 19, 19, 108, 121, 166, 191, 225, 300, 336, 420, 432, 450, 447, 454, 487  
Ward 20, 137, 155, 168, 188, 192, 208, 222, 242, 248, 275, 301, 331, 336, 391, 448, 470  
Ward 21 (4), 462  
Ward 22, 121, 223



## Public Works Department, Continued

**snow removal payment:** at yard from which they are assigned, order referred to executive committee, 61—passed, 66  
*also other snow removal orders see Snow Removal on pages 61, 64, 66, 140, 142*

**steps leading to Johnswood rd., Ward 19,** order for repair, passed, 208, 331

**steps connecting Sturgis rd. and Bellevue st.,** order passed, 137—message, communication, 173

**steps between Sunset Hill pk. and Centre st., West Roxbury,** order passed, 192—message, communication, 268—repeat order, 331

**\$394,300 street appropriation:** \$25,000 for reconstruction and \$369,300 for snow removal, order referred to executive committee, 261—passed, 262

**street widening order passed:** Bunker Hill monument section, Charlestown, proposed widening and changes, information to Council, 219

**survey, Ward 19 "White City":** order with view to building new and repairing old streets passed, 97—message, communication, 130

**survey of Ward 20 streets:** all streets constructed by W. P. A. during past two years with view to using some different binder which will not deteriorate within a year, order passed, 121

**toll and gatemen:** in ferry division, employ forty-four instead of forty-eight hours, order passed, 420—message, communication, 440

**track removal orders passed:** Massachusetts ave., at Boylston st.; Boylston st., between Massachusetts ave. and Ipswich st.; Ipswich st., 471—message, communication, 474

**traffic lights, 404—see Traffic Commission,** automatic signal orders passed or pages 136, 404

**transfers:**  
 care, control of Albany st. land now in care of custodian of foreclosed real estate to this department, order referred to executive committee, 270—passed, 276  
 from fire department, Marion st. fire station, East Boston, referred to executive committee, 43—passed, 48  
 from hospital department, parental school property, West Roxbury, order referred to executive committee, 43, 44—passed, 79

**underpass orders passed:**  
 Ward 14, 19, 29, 48  
 Ward 22, 223, 280, 281, 300

**use of land, Dorchester ave.:** near St. Gregory's church as sand and gravel dump, order to reconsider previous order, passed, 349—message, communication, 371

**water bills:** consideration for owners on overdue water rates bills, ordinance referred to executive committee, 328—referred to ordinance committee, 331—message, communication, 352

**water division balance:** \$542,980.95 for meeting interest and sinking fund requirements on city debt serial loan payments, referred to executive committee, 150—passed, 156

**water division of department:** report to Council under five heads, order passed, 249

## Radiotone Picture

order for placing in Council chamber a bronze radiotone of Councilor Mildred M. Harris, first woman to serve as councilor, passed, 332, 366

## Randige Fund Excursions

order for \$5,000 for park department expenditure for above excursions, chargeable to contingent fund, referred to executive committee, 324, 325—passed, 330

## Readville Greyhound Association

petition for laying out and location of dog track, 51—order passed, 56—message, veto, 71  
 petition for permit dog racing, 24—granted, with building license, 24—message, veto, 29

## Real Estate Department

**section along Veterans of Foreign Wars parkway,** between Church and Corey sts., order for survey of section for playground, Ward 20, order to survey and include in budget for playground in this area, passed, 166

## Recreational Building, Ward 4

George Robert White Fund trustees to consider erection, order passed, 48—message, communication, 102

## Reference of Unfinished Business

order for reference to Council of 1940, passed, 502

## Registry Department

transfers referred to executive committee: \$600, 398

## Reinstatements

COTTER, FRANK L., in police department, resolution for legislative enactment, passed, 60

GRAY, JAMES, JR., formerly of police department, favoring legislative enactment, passed, 168

GRAY, JAMES, in police department, resolution for legislative enactment, passed, 265

GUTHRIE, DENNIS F., resolution approving legislative enactment, passed, 17

KELLEY, RICHARD P., as lamplighter, resolution for legislative enactment, passed, 157

O'CONNOR, THOMAS J., resolution favoring legislative enactment, passed, 34

PETZOLD, PAUL A., in police department, resolution for legislative enactment, passed, 27

REGAN, PATRICK F., to former standing in police department, resolution approving legislative enactment, passed, 47

## Relocation of Blue Hill Avenue Tracks

information *in re* legislative enactment for relocation has been filed, passed, 120, 121—message, communication, 126

## Reorganization of Departments

CONSOLIDATION OF FISCAL DEPARTMENTS: according to plan submitted by Mayor Tobin, October, 1937, and City Council special committee on reorganization, order referred to executive committee, 272, 273—order passed in new draft of order, 276

## Report of All Committees of Council

*see* under individual names *sic* appropriations, executive, ordinances, etc., *also* specially ordered reports to City Council

## Report on Annuities Petitions

FOR 1937, 1938, 1939 not approved by medical board and requiring no further action sixteen petitions, report of executive committee, filed, 502

## Reports to City Council

AMBULANCE CHASING: from finance commission *in re*, filed, 408, 409

ANNUAL REPORT OF CLAIMS COMMITTEE: 500

APPROPRIATION, \$5,685,478.91: report of appropriations committee and order for current expenses and salaries, passed, 184, 185

APPROPRIATION BALANCE, \$13,479,619.95: city, \$11,154,236.01; county, \$1,515,565.27, total, \$13,479,619.95; Councilors Chase and Shattuck dissenting substitute order for city, \$10,839,933.63; county, \$1,462,481.86, reducing original order by \$479,619.95, both order reports placed on file, 321

APPROPRIATION COMMITTEE: city appropriation, \$11,154,236.01; county, \$1,515,565.27, and total, \$13,479,619.95; Councilors Chase and Shattuck dissenting, totals, City, \$10,839,933.63 and county, \$1,462,481.86 and totals, \$13,085,990.46, reduction, \$479,619.95, referred to executive committee, 313, 314

APPROPRIATIONS COMMITTEE: on disposition of highway fund, \$1,194,300, order passed, 251

BETTERMENT ASSESSMENTS: on properties incident to street construction, pages 330, 331, 1938 Proceedings—report filed, 15, 16

BOSTON FIREMEN'S RELIEF FUND: received, filed, 467

BOSTON MUNICIPAL RESEARCH BUREAU: Boston's finances and recent trends, report filed, 112

CASHIER, COLUMBIA STATION: message, communication, 16

CHARLESBANK PARK: recreational building construction, legality of use of Parkman fund income, report sent by law department, 496

CITY-OWNED PASSENGER CARS: budget department report *in re* city cars received, filed, 229, 230, 231

DEPARTMENT EXPENSE SURVEY: under sixteen heads, received, filed 231, 232, 233, 234, 235

EASTERN MASSACHUSETTS STREET RAILWAY: real and personal estate owned by company, report received, filed, 339

FIRE AND POLICE DEPARTMENT ANNUITIES: petitions (16) disapproved by medical board examiners, no further action necessary, report of executive committee, 502

FUEL FOR WELFARE RECIPIENTS: message, report filed, 15 (order pages 286, 307, 1938 Proceedings)

## Reports to City Council, Continued

**HACKNEY CARRIAGE LICENSES AND BADGES:** amount received in past five years, message, communication, 68, 99, 100, 101

**HOSPITAL PERSONNEL:** report from superintendent, 214, 215

**HOSPITALS BY FINANCE COMMISSION:** filed, 178 to 184, inclusive

**IMPROVEMENTS, ROSLINDALE sq.:** report submitted, 357

**JITNEY LICENSES COMMITTEE:** report, 115, 116, 117, 118, 119

**LOST REVENUE, ELEVATED:** from outside lines, through permission for operation outside bus lines, 130 to 133

**MERIDIAN STREET BRIDGE:** finance commission report filed, 394, 395, 407, 408

**MOTOR VEHICLE REPORT:** of public works department, 282

**NEW COURT HOUSE, SUFFOLK COUNTY:**  
by Court House Commission *in re* lighting system, cost of clocks and toilet facilities, report requested (2 orders), 348, passed, 349  
from county court house commission, message and report filed, 381

**NURSES TRAINING SCHOOL:** finance commission report filed, 105, 197, 198

**PHYSIOTHERAPY AIDE EXAMINATION:** order for information, pages 399, 400, 1938 Proceedings—message, communications, 21, 22

**POWERS OF COUNCIL *re* parking spaces:** report filed, 72

**PROPERTY VALUATION, OLD HARBOR VILLAGE:** adjacent property value report from assessing department, 369

**RANCID BUTTER DISTRIBUTION:** at Federal Surplus Commodities Division, filed, 353, 354

**REPAIRS, CENTRAL LIBRARY:** from budget department, 370

**RULES COMMITTEE ON SENATE BILL 5:** for repeal of Plan E and Proportionate Representation, laid on table, 123

**SINKING FUNDS COMMISSION:** amount city can borrow within the debt limit in 1939, \$6,113,422.78, report filed, 73

**SPECIAL COMMITTEE ON UN-AMERICAN ACTIVITIES:** 82, 83

**TAXICAB ACT:** public safety committee report acceptance, referred to executive committee, 48—passed, 51

**TAXICAB SITUATION:** report of finance commission with minority exceptions, referred to executive committee, 44, 45—report filed, 48

**TRAFFIC CONDITIONS, ROSLINDALE sq.:** report submitted, 356, 357

**(GEORGE ROBERT) WHITE FUND:** accrued income report of secretary, unexpended income balance, \$804,495.39, 22

**W. P. A. CONTINUATION:** resolution passed, 46, 79

**YOUNG'S HOTEL TAXES:** from law department, report of back taxes, message and report filed, 335

## Republican National Convention

the Mayor be requested to invite the convention of 1940 to meet in Boston, order passed, 494

## Reserve Fund

**BOSTON HOUSING AUTHORITY:** order for \$15,000 for costs of real property inventories and surveys, referred to executive committee, 490—passed, 501, 502

## Resignations

**AONEW, JAMES E.,** from Council appropriations committee, 120

**DONIOAN, ROBERT F.,** as chairman of statistics department, 105

**DOWD, JOHN F.,** as sheriff of Suffolk County, 467

**FAY, FREDERIC H.,** as member of city planning board, 44

**KERRIOAN, JOHN E.,** from Council public safety committee, 120

**MACDONALD, JOHN C.,** as member of appeals board, 73

**MCKIERNAN, JAMES J.,** as constable assigned to collecting department, effective January 3, 1939, 59

**RICHARDS, RALPH J.,** as constable assigned to building department, effective January 17, 1939, 59

**SARNO, ALFRED N.,** as constable, 258

**SPOTTISWOODE, WILLIAM,** as member, board of Sinking Funds Commission, 467

**TAYLOR, CHARLES I.,** from Council finance committee, 120

## Retirement Board for Laborers

orders, 27

## Retirements

**AFTER TWENTY-FIVE YEARS' SERVICE:** resolution approving legislative enactment, passed, 60—message and veto, 70

**AMENDMENT TO CHAP. 521, ACTS OF 1922:** allowing beneficiary designation, resolution, passed, 17, 18

## Retirements, Continued

**CASHMAN, DENNIS H.,** laborer, sanitary division, public works department, 453—order for retirement under provisions of chap. 765, Acts of 1914, passed, 453

**KENNEY, WILLIAM S.,** of park department, order passed, 27

## Roosevelt, President Franklin D.

executive orders for further furloughs from W. P. A., to be postponed until after the New Year and to stop the discrimination against single men and woman, 2 orders, 493

## Rosenberg, Sidney, Councilor, Ward 14

ward area: Dorchester, west

**committee appointments:**

appropriations, prison inspection, jitney licenses, 35  
executive  
constables, chairman, hospitals, 57

**amendments:**

reports of committees: EXECUTIVE, 223, 224; ORDINANCES, 163, 164

**improvements, Ward 14:**

FOR DETAILS: see Streets, Squares, Circles, names  
Blue Hill ave., 137, 141, 402  
Columbia pk., 443  
Columbia rd., 218  
Deering rd., 136  
Ellington st., 107  
Elmont st., 161  
Fayston st., 378 (with Councilor Hutchinson)  
Magnolia st., 450  
white way, lighting orders, 218  
Wilder st., 346

**letters submitted:** from and to Acting Police Commissioner Fallon, 449

**motions:**

bus permit asked by Eastern Massachusetts Street Railway Company, 107, 108; Fall River and Boston, 93  
confirmation of constables, 217, 259  
confirmation, executive appointments, 198, 248  
indefinite postponement on constables, 295  
public hearings on dog racing tracks, 33  
reports of committees: EXECUTIVE, vending machines, 209; 276, 277

**orders:**

acceptance of chap. 131, 198  
admittance to Rutland Sanatorium, 61  
amendment to chap. 521, Acts of 1922, 17  
Arthur P. White square, 346  
attendance of doctor in accident ward, 74  
Boston Elevated situation, 186 (with Councilors Wilson, Kelly, Fish, Hutchinson)  
Boston property owned by Eastern Massachusetts Street Railway Company, 322  
buildings adjacent to condemned buildings, 218  
bus line, Egleston sq. and Allston, 388 (with Councilor Taylor)  
change in five-cent fare zones, 443 (2 orders)  
complying with sanitary regulations, 402  
consideration on delinquent water bills, 329  
correction in minutes, 136  
drinking fountains, Franklin Park, 363  
drinking water facilities, City Hospital, 388 (with Councilor Taylor)  
electric fans in subway trains, 314  
extension of bus line to Carson beach, 299  
fence on Franklin Park, 300  
grandstand, Norfolk Street playground, 418  
grass plot, American Legion Highway, 261  
health unit, Franklin field, 433; Ward 14, 107  
information from assessors, 207  
information *re* Blue Hill ave. legislation (2 orders), 155  
installation of first aid at Franklin field playground, 347  
leave of absence on Jewish holidays, 155 (with Councilor Taylor)  
leave for employees on Jewish holidays, 395 (with Councilor Taylor)  
legislative bills of interest to Councilors (2 orders), 85  
lighting and policing, Grove Hall district, 448 (2 orders)  
lighting survey, Blue Hill ave. and Seaver st., 122  
loss to Elevated through out-of-town bus lines (2 orders), 94  
lower fire insurance rates, 36  
lunchroom, Frank V. Thompson school, 314  
municipal building, Franklin field, 36  
naming of Arthur P. White sq., 375, 376  
placing wires underground, 225  
postponement of tax sales, 207  
proposed Byrnes Bill, 226 (with Councilor Norton)  
reconditioning tennis courts, Franklin field, 376  
relief of traffic hazards, Blue Hill ave., 136  
relocation of Blue Hill ave. tracks, 120  
remarkable shuffle board courts, Franklin field, 346  
removal of ice and snow from Ward 14 crosswalks, 65  
repairing benches at Franklin field by W. P. A. project, 363  
school courses recommended (2 orders), 25  
speed limit for busses on Blue Hill ave., 388  
stadium, Franklin field, 191  
survey of traffic danger, Blue Hill ave., 122

## Rosenberg, Sidney, Councilor, Ward 14, Continued

## orders:

swimming pool at Franklin park, 346, 347  
 time for filing tax abatements, 246  
 two-man operation of certain Elevated lines, 120  
 types of fuel for welfare recipients, 12  
 underpass, Blue Hill ave. and Morton st., 48  
 unfinished business, confirmation of constables, 217  
 use of Brewster school, 299  
 use of highway fund for traffic lights, 109  
 wading pool, Franklin Park, 329  
 waiting booth, Blue Hill ave. and Seaver st., 80

## point of information:

executive committee reports: dog racing track, 52, 53

## points of order:

number of citizens and aliens in Boston, 88  
 public hearings on Federal housing, 302

## remarks:

acceptance chap. 131, 198, 199  
 admittance to Rutland Sanatorium, 61  
 amendment to chap. 521, Acts of 1922, 17, 18  
 attendance of doctor in accident ward, 74  
 buildings adjacent to condemned buildings, 218  
 commendation of police and fire departments, 121  
 complying with sanitary regulations, 402  
 consideration on delinquent water bills, 329  
 decision on gas rates, 418  
 electric fans in subway trains, 314  
 entering age for school children, 409  
 executive committee reports: taxicabs, 50  
 filing abatement petitions, 190, 191  
 final proceedings, 503, 504  
 five-cent fare zones, 442  
 grandstand, Norfolk Street playground, 418  
 grass plot, American Legion Highway, 261  
 health unit, Ward 14, 107  
 increase on State take on dog racing, 376  
 information from assessors, 207  
 information *in re* hospital nurses, 93  
 information *in re* police department (with inclosure), 62, 63  
 installation of first aid at Franklin field playground, 347  
 issuance of snow buttons, 61  
 legislative bills of interest to Councilors, 85  
 lighting survey, Blue Hill ave. and Seaver st., 122  
 loss to Elevated through out-of-town bus lines, 94  
 lower fire insurance rates, 36  
 municipal building, Franklin field, 36  
 non-support proceedings, 26  
 postponement of tax sales, 207  
 public hearings on Federal housing, 301  
 public hearing for taxpayers on budget, 206  
 reconditioning tennis courts, Franklin field, 376  
 reconstruction of Blue Hill ave., 137  
 relief of traffic hazards, Blue Hill ave., 136, 137  
 relocation of Blue Hill ave. tracks, 120, 121  
 removal of ice and snow from Ward 14 crosswalks, 65  
 reports of committees: EXECUTIVE, vending machines, 210, 224, 225; highway fund appropriation, 251; 262, 303, 321; JITNEY LICENSES, 116, 118; ORDINANCES, vending machines, 185, 186; RULES (W. P. A.), 79  
 school courses recommended, 25  
 speed limit, busses on Blue Hill ave., 388  
 stadium, Franklin field, 191  
 survey of traffic danger, Blue Hill ave., 122  
 swimming pool, Franklin Park, 346, 347  
 time for filing tax abatements, 246  
 two-man operation of certain Elevated lines, 120  
 types of fuel for welfare recipients, 12  
 underpass, Blue Hill ave. and Morton st., 19, 48  
 use of Brewster school, 299  
 use of highway fund for traffic lights, 109

## resolutions:

appreciation of services of Joseph P. Manning, 218 (with Councilors Fish, Kerrigan, Kelly)  
 increase in State take on dog racing, 376  
 in honor of the late Pope, 67 (with Councilors Carey and Irwin)  
 municipal building near Franklin field, 17  
 resignation of Justice Louis D. Brandeis, 80 (with Councilors Sullivan, Galvin, Hutchinson)  
 thanks to Commissioner Webber, 418  
 underpass, Blue Hill ave. and Morton st., 19  
 veto asked on Eastern Massachusetts Street Railway bus permit, 120 (with Councilor Taylor)

## unanimous consents:

Councilor Norton's position on dog track, 33  
 investigation, busses using streets as stations, 367

vote doubts: reports of committees, EXECUTIVE, 225

## Rules Committee

members: Councilors Shattuck, chairman, Kerrigan, Agnew, Wilson, 35  
 reports: 79, 123, 141, 351, 363, 444, 447  
 report requested, 351

## Rutland Sanatorium

*see* Health Department, Rutland Sanatorium

## Sales

boat "George A. Hibbard": message and order for institutions department at public auction to sell for upset price \$1,000, referred to executive committee, 357, 358—order for sale at auction at upset price of \$5,000, passed, 453; message and order for at upset price \$1,000, referred to executive committee, 473—passed, 477

Faneuil branch of Public Library: preambles and order for sale at public auction at upset price of \$2,500, referred to public lands committee, 171—passed, 192—passed, 217

horses, city-owned: order for public works department to sell at public auction twenty-five horses not now in use, referred to executive committee, 399

land, buildings, Tufts and Medford sts.: preambles and order, referred to executive committee, 325—first reading, passed, 330

land to Merchants National Bank: preambles and order, referred to executive committee, 112—passed, 122—second passing, 135

1,947 parcels, tax title property: public auction, properly advertised properties, order passed, 168

obsolete X-ray films: order for sale after advertisement in *City Record*, referred to executive committee, 124—passed, 141

pigs approximately \$2,000 to \$2,500 worth by penal institutions department, order referred to executive committee, 151—passed, 167

postponement, sales for 1938 unpaid taxes until 1940, order passed, 207  
 property, 1938 unpaid taxes: information from city collector, order passed, 36—message, communication, 41

transfers between departments: from sales of city property to Long Island Hospital, men's dormitory, \$61,705.13, 466—468—second passage, 475

## Saugus Transit Company

petition of Hart Bus Lines, Inc., for reissuance of license in name of Saugus Transit Company, 291

## School Committee Department

Amerena pk.: iron fence around tablet, order passed, page 422 in 1938  
 Proceedings—message, communication, referring order to school committee from park department, 10

aviation mechanics: request to collaborate with Federal government for establishment of training course in high schools, order passed, 192—message, communication, filed, 253

basketball: inclusion in high school curricula, order passed, 365

Bowdoin schoolyard: on Myrtle st., keep open after school hours and during summer vacation for children in district, order passed, 300—message, communication, 338, 339

Brewster school: use as local recreational center for citizens, order passed, 299

budget: information *in re* 1939 budget under five heads, order passed, 296

closing school centers: from November 10 to June 1, order for rescission of order passed, 470—message, communication, 485

commendation, Headmaster Robert B. Masterson: City Council resolution approving actions preventing Communists gaining foothold in Boston schools, referred to rules committee, 84

conservation of eyesight class: order to extend class through high school grades, not to as now discontinued at IX grade, passed, 96—message, communication, 127

Copley school, Charlestown: put in operation shower baths, order passed, 366

entering age for kindergartens: at four years and six months; also at five and six months for entrance to first grades, order passed, 409—message, communication, 458

five-cent fares: on Boston Elevated lines at any hour for children during summer months, order passed, 332, 333—message, communication, 352

kindergarten age: four years minimum, order for rescission, referred to executive committee, 25—passed, 35—message, communication, 127

musical function: sponsored by committee, city to be financially responsible, participants to be restricted to Boston public school students, copy of resolutions to be sent to members of committee, resolution passed, 113

Old Franklin school: at corner of Washington and Dover sts., order for reopening convenience station, passed, 387

opening yard: in Ward 13, after school hours and during summer vacation, order passed, 277—message, communication, 306

payment to father of Robert Stapleton: who was permanently injured in school building, resolution approving legislative enactment authorizing, passed, 186

## School Committee Department, Continued

- recreation area: at rear of Dorchester High School for Girls, order with enclosures, passed, 468
- replacing Grew and Damon schools: order to request Federal funds for two schools in Hyde Park, passed, 379—message, communication, 436
- rescission of petition for lease of Sharp school, communication, filed, 344
- rescission of vote: in doubling up of classes in elementary grades, order passed, 469, 470 (editorial submitted for record)
- residence in city:  
of all Boston public school teachers, order passed, 161, 162—message, communication, 270  
legality of obligatory residence, order for information from law department, passed, 199 to 202, inclusive—message, communication 270
- sale, old materials: at auction, junk from demolition condemned buildings, order referred to executive committee, 438—passed, 449
- school halls and yards: consider plan for use of halls and yards for public use, order passed, 378—message, communication, 417
- showers in school yards: which are used as playgrounds, order for as W. P. A. project, passed, 331—message, communication, 352
- six-year evening courses: at Central Evening High school, order to reconsider action, referred to executive committee, 25—order passed, 35—message, communication, 127
- Frank V. Thompson lunch room: order to provide proper lunch room, passed, 314—message, communication, 416
- use of school buildings: investigation of organizations using school buildings in reference to un-American motives or purposes, 80, 81, 82—message, communication, 126, 127
- use, William Eustis school: repairs, alterations for use of welfare activities, orders passed, 420—message, communication, 437
- Ward 18 school structure: consider replacing wooden buildings, Grew, Damon, Greenwood, Fairmount and Hemenway school in Readville located adjacent to an "oil farm," order passed, 119—message, communication, 133

## Senate Bill No. 5

- for repeal of Plan E and Proportionate Representation, resolution for favoring Bill on motion of Councilor Fitzgerald was indefinitely postponed, 303
- rules committee report on Plan E and Proportionate Representation repeal laid on table, 123

## Shattuck, Henry L., Councilor, Ward 5

- ward area: Back Bay
- presiding chairman: 1 to 12; 13 to 20; 329
- committee appointments:  
appropriations, finance, chairman, legislative matters, prison inspection, rules, 35  
building code, 57  
executive, temporary chairman, 329
- amendments: reports of committees: EXECUTIVE, 247
- dissenting to rules committee report: 123, 477
- improvements, Ward 5:  
FOR DETAILS: see Streets, Squares, Circles, names  
Commonwealth ave., 119  
Deerfield st., 119
- motions:  
Boston Elevated situation, 188  
demolition, Atlantic ave. loop, 115  
next meeting October 23, 434  
reports of committees: EXECUTIVE, 421
- orders:  
cleaning Lincoln statue, 263 (with Councilor Chase)  
opposition, high level Meridian st. bridge, 430  
publication, appropriation balance transfers, 468  
removal, unused car tracks (2 orders), 471 (with Councilor Chase)  
reporting sales of tax title property in *City Record*, 402  
restrictions at rear of Back Bay houses, 160  
use of Bowdoin schoolyard, 300 (with Councilor Fitzgerald)
- points of information:  
acceptance of land, West Roxbury, 487  
payment for copies of *City Record*, 499  
payment to widow of John A. Keliher, 272  
removal, Atlantic ave. structure, 364  
reports of committees: FINANCE, 429; RULES, 123
- remarks:  
action against non-resident employees, 243  
amendments to building code, 27  
bill in equity for appointment of Elevated receiver, 317  
Boston Elevated situation, 188  
cessation of eminent domain until plebiscite, 315 (inclusion of newspaper article)  
confirmation of appointments, January 23, 45

## Shattuck, Henry L., Councilor, Ward 5, Continued

- remarks:  
executive committee reports: dog-racing track, 52  
filing abatement petitions, 190  
five-cent fare zones, 442, 443  
information in re police department, 63  
interest charge to taxpayers, 447  
opposition to purchase of Elevated common stock, 115  
opposition to Senate Bill 374, 246  
opposition to suggested new taxes, 46  
price of milk to welfare and W. P. A. families, 498  
prison industry fund appropriation, 160, 161  
public hearings on Federal housing, 302  
publication, appropriation balance transfers, 468  
removal, Atlantic ave. structure, 364  
reporting sales of tax title property in *City Record*, 402  
reports of committees: EXECUTIVE, 247; vending machines, 209, highway fund, 251, 276, 318, 321, 479, 483, 502; FINANCE, 429; 443, 444 (submitting table of relief bonds), 477; JITNEY LICENSES, 117, 119; ORDINANCES, vending machines, 164  
restrictions at rear of Back Bay houses, 160  
use, Social Law Library by members of Bar, 403  
use, W. P. A. architects on building projects, 488
- roll call request: executive committee reports, dog-racing track, 56
- suspension of rules: Sumner tunnel tolls, 245
- vote doubts:  
dog racing in Boston Garden, 85  
expenditures of court house commission, 246  
reports of committees: EXECUTIVE, 248  
resolution on lottery, 363  
Sumner tunnel tolls, 245

## Sinking Funds Commission

- board members appointed: John E. Hanigan, William A. Dupee, Michael H. Corcoran, Patrick A. O'Connell, 467
- amount city can borrow: within the debt limit in 1939, \$6,113,422.78, report filed, 73

## Smoke Nuisance

- order for Smoke Abatement Commission to submit report of investigations in Ward 4; for effort to abolish nuisance in Ward 4; for Council to consult railroads and Federal authorities relative to electrification within City proper; complete report of consultations to Council, four orders passed, 108, 109

## Snow Buttons

- issued to councilors: issuance to respective constituents for snow removal, order referred to executive committee, 60, 61

## Snow Removal

- addition to welfare relief: order for payment to be additional to recipients of welfare, referred to executive committee, 61—passed, 66
- enforcement of regulation re removal by owners within forty-eight hours after storms, order for police to enforce in their districts, passed, 64
- payment: at the yard from which they are assigned, order for payment, referred to executive committee, 61—passed, 66—message, communication, 142
- preference in work given to welfare recipients and citizens, order passed, 140

## Social Law Library

- appropriation, \$1,000: order passed, 493, 494
- finance commission report: 341, 342, 343, 344
- use without annual fee: by members of the Bar, the facilities housed in Suffolk County court house, order referred to executive committee, 403

## Social Security Act

- amendments: resolution opposing repeal of exemptions to church, hospital and charitable institutions, referred to executive committee, 137—passed, 141

## Soden's Field

- collected water nuisance, order to abolish, passed, 162—message, communication, 213

**Solarium for Women**

L. st. bath house: order for with W. P. A. funds or other available source, passed, 242—message, communication, 266

**Soldiers' Relief**

chap. 115, General Laws and amendments, orders for payments:

January, 17, 25, 33  
February, 60, 73, 89  
March, 112, 135, 155  
April, 185  
May, 242, 259, 277  
June, 300, 328  
July, 346, 361  
August, 388  
September, 410  
October, 424, 441  
November, 462, 467  
December, 486

loan, \$30,000: approved by Emergency Finance Board, 360—final reading and passage, 453—message, communication, 427, 428

payments before Christmas: for season's purchases, order passed, 484

**Soldiers' Relief Committee**

members: Councilors Englert, chairman, Irwin, Kelly, Fish, Harris, 35  
report: 491

**South End House Association**

lease from city, land on East Dedham st. for playground, message, preambles and order, referred to executive committee, 14—passed, 18

**Special Commission to Divide Suffolk County**

report received December 20, 1939, from commission, filed, 497

**Spellman, Bishop Francis J.**

City Council resolution expressing pleasure and elation upon the elevation to office of archbishop of New York, resolution passed, 193  
letter of gratitude for recent resolutions sent upon his appointment to archbishopric, 241

**Stadiums**

Franklin field: order to erect with George White Fund money, to be considered, passed, 191

Ward 16 municipal, in Neponset playground, order to erect, with W. P. A. funds, passed, 25—message, communication, 40

**State Department of Public Utilities**

notice granting license to operate bus line from Milton line to Park sq. to the Eastern Massachusetts Street Railway Company sent, 373, 374

**State Department of Public Works**

notice of laying out of Boston to Milton highway, received and filed, 328  
notice of laying out of Neponset Valley highway, received and filed, 328

**State Housing Authority**

information from law department: under three heads, procedure for removal of tenants after notice and illegal removal of stationary fixtures by tenants, order passed, 315

**State Reclamation Board**

mosquito control, \$300: city's share due, order referred to executive committee, 14—passed, 18

**State Roadway Check over \$1,000,000**

what disposition was made of check received, order for information from auditing department, passed, 165—message, communication, 171

**Statement in Boston "Herald"**

in re defense of former Sheriff Dowd by Councilor Fitzgerald in erroneous statement, 500

**Statements**

COUNCILOR CAREY: in re newspaper item, 277; in re order concerning foreign entanglements and referred to rules committee, 405

COUNCILOR FITZGERALD: in re dog racing, with items from Boston Herald and Daily Record, 89, 90; in re newspaper item relative to defense of former Sheriff Dowd, 500

COUNCILOR LANGAN: in re busses using streets as stations, 367

COUNCILOR NORTON: in re dog track, Hyde Park, 37, 38, 39

COUNCILOR ROSENBERG: in re Eastern Massachusetts Street Railway Company, 373, 374

COUNCILOR SHATTUCK: announcing finance committee meeting Wednesday at two o'clock, October 4, 424

COUNCILOR TAYLOR: in re Eastern Massachusetts Street Railway Company bus terminal, 366

COUNCILOR WILSON: on Councilor Norton's statement on dog track, 31, 32, 33; in re abatement of taxes in housing districts, 396

**Statistics Department**

CHAIRMAN APPOINTED: James E. King to April 30, 1941, vice Robert F. Donigan, resigned, 105

TRUSTEE APPOINTED: Robert Dysart, term ending April 30, 1944, filed, 441

"MUNICIPAL REGISTER": order to prepare and have printed; also a pocket edition of the "Organization of the City Government," both to be charged to City Documents appropriation, passed, 136

**Stony Brook, Roslindale**

order, page 164 of 1938 Proceedings—message, communication, referred to public lands committee, 215, 216

preambles and order to allow the building of garage over brook, referred to public lands committee, 216

**"Stop" Signs**

at corner of South and Centre sts., Ward 20, 248

**Street Laying-Out Department**

member appointed: John A. Donoghue to January 1, 1942, 105

ACCEPTANCE AND CONSTRUCTION ORDERS PASSED:

Ward 4, 471

Ward 10, 119

Ward 11, 160, 188, 275, 330

Ward 13, 264, 300, 332, 410, 449, 500

Ward 14, 443, 450

Ward 15, 188, 264

Ward 16, 348, 402, 477

Ward 18, (2) 165

Ward 19, 225, 300

Ward 20, 121, 166, (3) 222, 248, 275, 301, 390, 404, 448, 470

Ward 22, 85, (8) 121, 330

conference of public works, street commissioners and Boston Elevated trustees to reconstruct Blue Hill ave. for relief of traffic hazards, order passed, 137

extending steps, Sunset Hill path to Centre st., Ward 20: under W. P. A., 222; stairs, 192-268, 331

laying out, construction orders passed: Ward 21, 222

NAMING, RENAMING, ORDERS PASSED:

Buswell st. from Ivy st., from St. Mary's to Mountfort st., notice received, 135

(Father John B.) DeValles sq. at junction of Pleasant and Stoughton sts., Ward 13, 419

(Mary A.) Doherty sq., at corner of Standard, Freeland and Manchester sts., 225

(MONSIGNOR) DOLAN CT., Ward 17: order to change St. Gregory's ct. to Monsignor Dolan ct., 494

(William C.) Kelly sq. erroneously called William J. Kelly sq., 409  
Kelton st. from Warren st., from Commonwealth ave. to Brookline boundary line, notice received, 135

(Charles E.) Mackey sq., Wards 6 and 7 at junction Preble st. and Old Colony ave., 448

(Thomas J.) Nevins sq. at junction of Quincy and Bowdoin sts., Ward 15, 391

(Edward J.) White sq., at junction Hyde Park ave. and Mt. Hope st., Ward 18, 447

Neponset traffic circle: transfer to Metropolitan District Commission for twenty-five years, message and order referred to executive committee, 15—passed, 18

resurfacing orders passed:

Ward 9, 248

Ward 11, 275

see Public Works Department, resurfacing orders passed, Ward

street widening order passed: Dorchester st., from Broadway to First st., 271

## Street Laying-Out Department, Continued

## track location notices:

- to Boston Elevated Railway, double tracks, Blue Hill ave. connecting track on American Legion Highway, 461
- 94th location, single track curve in Beacon st., Brighton, at Cleveland Circle filed, 313
- 95th location, Washington st. north at Causeway st., 374
- 97th location, Andrew sq., South Boston, 475

## Street Patching

finance commission report: received, filed, 292-295, inclusive

## Streets, Squares, Circles

## improvement orders passed:

- ANAIR RD., WARD 22: accept and lay out under W. P. A. type of construction, 121
- ALEXANDER ST., DORCHESTER: order to put in charge of park department for playground purposes, passed, 378—message, communication, 383
- ALCOTT ST., WARD 22: resurface under W. P. A. construction plan, 223—message, communication, 268
- ALL STREETS, WARD 13: compel Boston Consolidated Gas Company to carry out agreement terms for street lighting, 378
- ALLEGHANY ST., WARD 10: acceptance, laying out from Parker st. to No. 80, under W. P. A. construction plan, 119
- resurface order, page 422, 1938 Proceedings—message, communication, 30
- ALLEN AND CHARLES STS., WARD 3: traffic lights at corner, 389—message, communication, 414
- AMERICAN LEGION HIGHWAY: keep grass plot in center of highway in perfect condition to prevent growth of ragweed detrimental to victims of asthma and hay fever, 261—message, communication filed, 290, 339
- AMORY ST., WARD 11: "slow" sign 100 feet before entering Green st., 73—message, communication, 129
- ANNAPOLIS ST., WARD 13: accept, lay out under W. P. A. plan for construction, 411
- ANSONIA RD., WARD 20: accept, lay out under W. P. A. construction plan, 448
- ARBORUM HEIGHTS SECTION, WARD 19: survey for resurfacing where needed Arborview, Calvin, Lila, Malcolm, Rambler, Westchester rds. and Whitcomb ave., 263—message, communication filed, 305
- ARBROTH ST., WARD 16: sidewalks with W. P. A. type of construction, 80—message, communication, 195
- sidewalks from Train st. to Laban Pratt rd., 188
- ASHBY ST., WARD 21: sidewalk, east side, Commonwealth ave. to Bay State rd., 462
- ASHLAND ST., WARD 3: resurfacing under W. P. A. type of construction, 300—message, communication, 338
- ASHMONT PK., WARD 16: accept, lay out under W. P. A. type of construction, 402
- ASTICOU RN., WARD 19: cutting sidewalks to widen traffic turn into Washington st. for congestion relief, 449—message, communication, 497
- AUSTIN ST., WARD 2: one-way traffic only, 454
- AUSTIN AVE., WARD 13: accept, lay out under W. P. A. plan for constructions, 410
- BAKER ST., WARD 20: arc lights, both sides, New York, New Haven & Hartford Railroad bridge on Baker st., between Spring and Centre sts., 137—message, communication, 194
- sidewalks from Spring to Centre sts., under W. P. A. plan for construction, 448—message, communications, 473
- sidewalks from Spring to Centre sts., both sides, 470
- BAKERSFIELD ST., WARD 13: resurface under W. P. A. plan of construction, 207—message, communication, 227, 228—message, communication, 280
- BALFOUR ST., WARD 13: burying wires, 347—message, communication, 354
- resurface under W. P. A. plan of construction, 207—message, communication, 280
- BATCHELDER ST., WARD 8: resurface under W. P. A. plan for construction, 433—message, communication, 458
- BAY STATE RN., WARD 21: sidewalks from Ashby st. to No. 236; from Ashby st. to No. 264, 462
- BEACON ST., WARD 21: at St. Mary's st., a shelter for Elevated patrons, 411—message, communication, 427
- BECK ST., WARD 1: sidewalks from Bremen to Chelsea sts., 347
- BELLEVUE ST., WARD 20: sidewalks under W. P. A. plan of construction, 275—message, communication, 336

## Streets, Squares, Circles, Continued

## improvement orders passed:

- BENNINGTON ST., WARD 1: lights installed, Neptune rd. to Orient Heights, 136—message, communication, 227
- traffic officers (5) between Neptune rd. and Orient Heights before installation of signals, 136—message, communication, 176
- traffic signals, junction with Byron st.; also with Neptune rd., 46, 47—message, communication, 69-227
- BIGELOW ST., WARD 22: sidewalks under W. P. A. type of construction, 121—message, communication, 126
- BIRCHWOOD ST., WARD 20: sidewalk under W. P. A. plan for construction, 448
- BIRN ST., WARD 13: resurface from Magnolia st. to railroad under W. P. A. construction plan, 207—message, communication, 335; 280
- BLAINE AVE., WARD 22: resurface under W. P. A. plan for construction, 223—message, communication, 268
- BLAKEMORE ST., WARD 19: arc light at railroad bridge, 278—message, communication, 337
- BLAKEVILLE ST., WARD 15: resurface under W. P. A. plan of construction, July 10, 1939—message, communication, 385
- BLUE HILL AVE., CHARLES AND SEAVER STS.: limiting busses to ten miles an hour speed, order for ordinance passed, 388
- BLUE HILL AVE., WARD 13: traffic signals at Quincy st. to be charged to contingent fund, 483
- BLUE HILL AVE., WARD 14: extension of present loading platform to Seaver st., 136, 137
- reconstruction plans, American Highway to Seaver st. two-barrel highway to eliminate present hazards, 137
- survey of traffic conditions to effect changes at dangerous corner at Seaver st., 122—message, communication, 143
- survey of traffic conditions for regulations change, 122—message, communication, 143
- traffic lights at Glenway st., 402; at Woodrow ave., 402; at Harvard and Morton sts., 402
- waiting booth at Seaver st., 80—message, communication, 130, 176, 177
- BLUE HILL AVE. AND MORTON ST., WARD 14: underpass construction at junction, 19
- BOWELL ST., AT BAKER AVE., WARD 15: arc light at junction, 300
- BOSTON & ALBANY BRIDGE, ALLSTON: resurface bridge at Cambridge, Linden and Lincoln sts., 37—message, communication, 103
- BOYNTON ST., WARD 11: sidewalks, as W. P. A. project, 155—message, communication, 194
- sidewalk, both sides, from South to Call sts., 188
- BRADBURY ST., WARD 22: resurface under W. P. A. construction plan, 223—message, communication, 268
- BREWER ST., WARD 19: resurfacing under W. P. A. construction plan, 191—message, communication, 228
- resurfacing, 396—message, communication, 406, 407
- BRIGHAM CIRCLE, WARD 10: install traffic box for officer on duty during day, 346—message, communication, 353
- traffic signals appropriation from tax-title property sales or other fund, 35
- BRIGHTON AVE., WARD 21: permission to use "angle parking," 225—message, communication, 288
- BRINTON ST., WARD 11: resurface with W. P. A. type of construction, 347—message, communication, 384, 385
- BROOK AVE., WARD 13: relay brick sidewalks and resurface as W. P. A. project item, 189—message, communication, 213, 214
- BROOKHOLE ST., WARD 19: resurfacing with W. P. A. plan of construction, 300—message, communication, 334
- BROOKFIELD ST., WARD 20: sidewalks under W. P. A. plan for construction, 168—message, communication, 269; from South st. to South Fairview, 391
- BROOKFORD ST., WARD 13: resurface under W. P. A. plan of construction, 222—message, communication, 283
- BROWN AVE., WARD 19: sidewalks under W. P. A. plan for construction (both sides), 166—message, communication, 228
- BUNKER HILL MONUMENT SECTION, CHARLESTOWN: information from public works department in re proposed street widening and changes, 219—message, communication, 268
- BURGOYNE ST., WARD 16: accept, lay out from Elmer rd. to Ashmont st. with W. P. A. type construction, 477
- BUTTONWOOD ST., WARD 13: one-way street from Crescent ave. to Columbia rd., 470
- CALUMET ST., WARD 10: resurfacing order, page 395, 1938 Proceedings—message, communication, 21
- CANTERBURY ST., WARD 18: sidewalks, both sides, from Mt. Calvary rd. to Cummins highway, 248
- CASS ST., WARD 20: sidewalks under W. P. A. plan of construction, 137—message, communication, 195
- CENAR GROVE ST., WARD 16: accept, lay out from Whitridge to Hallet sts., under W. P. A. type construction, 477

## Streets, Squares, Circles, Continued

## improvement orders passed:

- CENTRE ST. AND ARBORWAY, WARD 19:  
painting crosswalks at traffic circle, 85, 86  
traffic regulation at junction, 18—message, communication, 40
- CENTRE ST., WARD 19:  
erection of passenger shelter near Faulkner hospital, 64  
erection of stairs between Sunset Hill pk. and Centre st., 192  
traffic lights, front of Faulkner hospital; also at Louder's lane,  
300—message, communication, 338
- CENTRE ST., WARD 20:  
angle parking permitted between Temple and Weld sts., passed, 378  
sidewalks both sides Spring to Washington sts., under W. P. A.  
plan of construction, 448—message, communication, 473  
sidewalks, both sides, Spring to Washington sts., 470  
"stop" signs at South st., West Roxbury, 192—message, com-  
munication, 256, 266  
traffic lights in front of Holy Name church, 483  
traffic signals "stop" at corner of South st., 483
- CHAPMAN ST., WARD 2: one-way traffic only, 454
- CHELLMAN ST., WARD 20: accept, lay out, under W. P. A. plan of  
construction, 390, 391
- CHEROKEE ST., WARD 10: resurfacing under W. P. A. plan of con-  
struction, 60—message, communication, 174
- CHESBROUGH RD., WARD 20: sidewalks under W. P. A. plan of con-  
struction, 448
- CHESTNUT AVE., WARD 10: sidewalk at No. 32, under W. P. A. con-  
struction plan, 377; sidewalk at No. 32, 377—message, communica-  
tion, 384
- CHESTNUT AVE., WARD 19:  
resurfacing under W. P. A. construction plan, from Paul Gore to  
Green sts., 191—message, communication, 228, 336  
sidewalks from Green to Forbes sts., under W. P. A. construction  
plan, 300
- CHILD ST., WARD 11: resurface, 120—message, communication, 125
- CHURCH ST., WARD 15:  
repaving under W. P. A. plan of construction, 272—message, com-  
munication, 281  
sidewalk from High to Winter sts., 322
- CITY SQ., CHARLESTOWN:  
extend stairs to sidewalk for passengers' safety, order passed, 411  
survey of conditions and establishment of "rotary traffic," order,  
passed, 225
- CLARKSON ST., WARD 15: resurface under W. P. A. plan of construction,  
July 10, 1939—message, communication, 385
- CLEMENT AVE. EXTENSION, WARD 20: accept, lay out, 248
- CODMAN HILL ST., WARD 11: resurfacing as W. P. A. project, 347—  
message, communication, 384
- CODMAN PK., WARD 11: resurface northwesterly and southeasterly,  
from present park, under W. P. A. plan for construction, 275
- COLORADO ST., WARD 18: acceptance, laying out, 165
- COLUMBIA PK., WARD 14: accept, lay out, 443
- COLUMBIA RD., UPHAMS CORNER:  
erect shelter against weather for street railway passengers, 395  
sidewalk of concrete at Franklin pk. entrance, 218
- COMMERCE ST., WARD 3: repave, 105—message, communication, 125
- COMMONWEALTH AVE., WARD 5: traffic signals at Deerfield st., 119—  
message, communication, 127, 128; at Brookline ave., 119—message,  
communication, 127, 128
- COTTAOE AVE., WARD 20: accept, lay out under W. P. A. plan for  
constructing, 470
- CULBERT ST., WARD 18: same as Gilbert st., pages 404, 415, below
- CUMMINS HIGHWAY, WARD 19:  
retaining wall at Brown ave., 331—message, communication, 386  
traffic signals at junction with Hyde Park ave., 47—message, com-  
munication, 69  
traffic signals at Brown ave. in Sacred Heart church district, 64—  
message, communication, 103
- CURTIS ST., WARD 1: sidewalks from Chelsea st. to bridge, 347
- CUSHING AVE., WARD 13:  
resurface under W. P. A. construction plan, 402  
sidewalks before No. 35, 402—message, communication, 427; dupli-  
cate order, 430—message, communication, 440
- CUSHINO ST., WARD 20: accept, lay out under W. P. A. plan for con-  
structing, 470
- DACIA ST., WARD 13:  
reconstructing under W. P. A. plan of construction, 361 (1938  
Proceedings)—message, communication, filed, 21  
resurfacing under W. P. A. construction plan, 207—message, com-  
munication, 227, 228, 280
- DALE ST., WARD 12: sidewalk repairs, 18
- DANGEROUS INTERSECTIONS: number of police officers stationed where  
there are no traffic lights, 65
- DANUBE ST., WARD 13: reconstruction under W. P. A. plan of con-  
struction, 361 (1938 Proceedings)—message, communication, filed, 21

## Streets, Squares, Circles, Continued

## improvement orders passed:

- DAVIDSON AVE., WARD 15: accept, lay out under W. P. A. construction  
plan, 264
- DAY ST., WARD 10: sidewalks, 242
- DEAN ST., WARD 13: burying wires, 347—message, communication, 354
- DEERINO RD., WARD 14: resurfacing, 136—message, communication, 173
- DENNY ST., WARD 13: resurface with W. P. A. type of construction,  
156—message, communication, 172
- DESOTO RD., WARD 20: sidewalks from 5134 Washington to Willers  
sts., 223
- DEWEY ST., WARD 13: resurface under W. P. A. plan of construction,  
207—message, communication, 280
- DORCHESTER AVE., WARD 13:  
traffic signals at Crescent ave., to be charged to contingent fund,  
483  
at Savin Hill ave., chargeable to contingent fund, 483
- DORCHESTER AVE., WARDS 13 AND 15: "slow" signs, Columbia rd. to  
Savin Hill ave., order page 399, 1938 Proceedings—message, com-  
munication, 22
- DORCHESTER AVE., WARD 16:  
removal of tracks, Peabody sq. to Gibson st. and replacement with  
adequate bus service, 25  
resurface from Rapid Transit bridge to Gallivan blvd. as W. P. A.  
project, 484
- DORCHESTER ST., WARD 6: widening from Broadway to First st.,  
estimated cost, 271
- DOVE ST., WARD 13: sidewalks under W. P. A. plan of construction,  
208—message, communication, 334
- DOWNER AVE., WARD 13: resurface under W. P. A. plan for con-  
structing, 410—message, communication, 439
- DUDLEY ST., WARDS 8 AND 12: traffic lights, 404
- DUNWELL ST., WARD 20: accept, lay out, 275
- EASTBURN ST., WARD 22: resurface by W. P. A. type of construction,  
109—message, communication, 173
- EATON ST., WARD 22: accept, lay out, under W. P. A. type of con-  
struction, 121
- ELEANOR ST., WARD 21: sidewalk assessments (\$108.44), 17
- ELLERY ST., WARD 7: resurfacing from Carnegie to Boston sts. as  
W. P. A. project, 424—message, communication, 439
- ELLINGTON ST., WARD 14: resurface from Erie st. to Blue Hill ave.,  
107—message, communication, 129
- ELMONT ST., WARD 14: sidewalk as W. P. A. project, 161—message,  
communication, 229
- ELTON ST., WARD 13: resurface, order page 423, 1938 Proceedings—  
message, communication, 29
- EMMONS RD., WARD 20: accept, lay out under W. P. A. construction  
plan, 222
- ETNA ST. EXTENSION, WARD 22: accept, lay out with W. P. A. type  
of construction, 121
- EVERETT AVE., WARD 13: resurface under W. P. A. plan of con-  
struction, 207—message, communication, 280
- EVERGREEN ST., WARD 10:  
burying wires, 346—message, communication, 354  
resurface under W. P. A. construction plan, 263—message, com-  
munication, 279
- FAIRBURY ST., WARD 13: resurface under W. P. A. plan of construc-  
tion, 207—message, communication, 227, 228—message, communica-  
tion, 280
- FALLON FIELD, WARD 20: electric arc lights, Belgrade ave. to Robert  
st., 208
- FAYSTON ST., WARDS 13 AND 14: repair and construct under W. P. A.  
plan of construction, 378—message, communication, 386
- FLAVIA ST., WARD 16: sidewalk, from Chickatawbut st. to Oakton  
ave., 470
- FLETCHER ST., WARD 20: barring heavy trucks between South and  
Centre sts., 155—message, communication, 227
- FLORENCE ST., WARD 19: sidewalks, both sides, with W. P. A. type  
construction, 487—message, communication, 496
- FOLSOM ST., WARD 13: resurfacing—message, communication, 227, 228
- FORBES ST., WARD 10: resurfacing, order page 395, 1938 Proceedings—  
message, communication, 21
- FOX AND PERCIVAL STS. CORNER, WARD 15: install street light, 419—  
message, communication, 440
- GALLIVAN BLVD., WARD 16: sidewalks, both sides, Neponset circle  
to Woodfield st. under W. P. A. construction plan, 25—message,  
communication, 40
- GILBERT ST., WARD 18: resurface as W. P. A. project, 404—message,  
communication, 414
- (PAUL) GORE ST., WARD 19: see Streets, Squares, Circles, Boulevards,  
under P
- GRANBY ST., WARD 21: sidewalk, west side, Bay State rd. to Com-  
monwealth ave., 462

## Streets, Squares, Circles, Continued

## improvement orders passed:

- GREEN ST., WARD 19: resurfacing under W. P. A. construction plan, 121-message, communication, 158, 159
- GREENHAYS ST., WARD 14: resurface with W. P. A. type of construction, 360 (1938 Proceedings)-message, communications filed, 21
- GROVE HALL SECTION, WARD 14: survey for "white way" lighting, 218-message, communication, 266; 282  
letter (order), 449-message, communication, 464  
lighting streets and policing by foot patrolmen for public safety, 448, 449
- GROVE ST., WARD 20: replace gas lamps with electric lights, 65-message, communication, 103
- HALL ST., WARD 11: sidewalks as W. P. A. project, 155-message, communication, 195
- HAMILTON ST., WARD 20: sidewalks under W. P. A. plan for construction, 168-message, communication, 269
- HAMPSTEAD RD., WARD 11: accept, lay out with W. P. A. type construction, 330
- HANO ST., WARD 22: resurface under W. P. A. construction plan, 223-message, communication, 268
- HARRISON AVE., WARDS 8 AND 12: traffic signals, 404-message, communication, 425, 426-message, communication, 426
- HARVARD AVE., WARD 21: permission to use "angle parking," 225-message, communication, 288
- HAYERFORD ST., WARD 10: sidewalks, both sides, from Montebello rd. to Boylston st., 378
- HAYERFORD ST., WARD 11: resurface under W. P. A. plan of construction, 275-message, communication, 283  
sidewalks, from Montebello rd. to Boylston st., 330-message, communication, 385
- HAVEY ST., WARD 20: acceptance and laying out under W. P. A. plan of construction, 121
- HAWTHORNE ST., WARD 19: sidewalks, Florence to Sycamore sts., under W. P. A. construction plan, 191-message, communication, 212-message, communication, 459  
sidewalk, both sides, as W. P. A. project, 454-message, communication, 459
- HEATH ST., WARD 10: sidewalks, 242
- HENLEY ST., WARD 2: safety island at Park and Warren sts., 411-message, communication, 425
- HERBERT RD., WARD 19: accept, lay out under W. P. A. construction plan, 225
- HIGH ST., WARD 15: sidewalk, from Hancock to Church sts., 322
- HILLSIDE ST., WARD 10: burying wires, 346-message, communication, 354  
repaving under W. P. A. construction project, 157-message, communication, 174
- HINCKLEY ST., WARD 13: resurface under W. P. A. plan of construction, 207-message, communication, 227, 228-message, communication, 280
- HOMES AVE., WARD 15: resurface under W. P. A. plan of construction, July 10, 1939-message, communication, 385
- HOWARD PL., WARD 13: accept, lay out under W. P. A. plan of construction, 264
- HOWITT RD., WARD 20: accept, lay out, 248
- HUDSON ST., WARD 3: sidewalks, 395-message, veto, 427
- HUNTINGTON AVE. SUBWAY: abatement of dust nuisance during construction by cleaning and oiling loose dirt, 278
- INGLESIDE ST., WARD 13: resurfacing under W. P. A. plan of construction, 300-message, communication, 336
- JEROME ST., WARD 13: sidewalks under W. P. A. plan of construction, 208  
sidewalks, Nos. 10 and 12, 430  
include undergrounding wires in undergrounding program for 1940, 402-message, communication, 416  
sidewalks before Nos. 10 and 12, 402
- JOHNSWOOD RD., WARD 19: repairs to public stairway leading to road, 208-message, communication, 280; duplicate order passed, 331-message, communication, 356
- LABAN PRATT RD., WARD 16: sidewalks with W. P. A. type of construction, 80-message, communication, 195  
sidewalk, both sides, from Boutwell to Westglow sts., 188
- LAROSE PL., WARD 21: lay out and construct as W. P. A. project 222-message, communication, 257
- LAWN ST., WARD 10: repaving under W. P. A. plan of construction, 157-message, communication, 174
- LEE ST., WARD 11: accept, lay out, 160
- LETTERFINE TER., WARD 13: accept, lay out under W. P. A. construction plan, 300

## Streets, Squares, Circles, Continued

## improvement orders passed

- LEYDEN ST., WARD 1: sidewalk at Nos. 215, 235, 239, 241, 387; sidewalk at No. 161, 462
- LEYLAND ST., WARD 8: resurface under W. P. A. plan for construction 433-message, communication, 458
- LINNET ST., WARD 20: sidewalks under W. P. A. plan of construction 275-message, communication, 336
- LONGFELLOW ST., WARD 15: resurface under W. P. A. plan for construction, 419-message, communication, 440
- MAGNOLIA ST., WARD 14: accept, lay out, 450
- MANSUR ST., WARD 10: resurface under W. P. A. plan of construction, 60-message, communication, 174  
sidewalks, 242
- MAPLE ST., WARD 20: sidewalks under W. P. A. plan for construction 168-message, communication, 269
- MARCH AVE., WARD 20: sidewalks under W. P. A. plan of construction 275-message, communication, 336
- MASCOMA ST., WARD 13: resurface under W. P. A. plan of construction 207-message, communication, 280
- MAY ST., WARD 19: sidewalk, right-hand side, from Centre st. to Pond st., 225-message, communication, 336
- MAYFIELD ST., WARD 13: resurface with W. P. A. type of construction, 156-message, communication, 17, 227, 228
- MCBRIDE ST., WARD 11: sidewalks, granolithic with edgestones, 48-70  
sidewalk, Washington to South st. as W. P. A. project, 155-message communication, 173, 174  
sidewalk, both sides, from South to Washington st., 418
- MINDEN ST., WARD 10: resurface under W. P. A. plan of construction 60-message, communication, 174
- MONADNOCK ST., WARD 13: reconstruction with W. P. A. type of construction, 155-message, communication, 195
- MORRILL ST., WARD 13: resurface under W. P. A. plan of construction, 207-message, communication, 227, 228-message, communication, 280
- MORTON ST., WARD 17: sidewalks, Gallivan Blvd. to Washington st. as W. P. A. project, 113-message, communication, 173
- MOSS HILL SECTION, WARD 19: survey for new streets and repair old, 108
- MOULTRIE, KENWOOD, LYNDBURST STS., WARD 17: no parking restrictions within 200 feet of Washington st., 36-message, communication, 59
- MT. PLEASANT AVE., WARD 8: resurfacing, 395-message, communication, 409
- MYRICK ST., WARD 22: accept, lay out under W. P. A. type of construction, 121  
resurface under W. P. A. construction plan, 223-message, communication, 268
- NEPONSET AVE., WARDS 18, 19: resurface under W. P. A. plan of construction, 121-message, communication, 158
- NEPONSET AVE., WARD 19: sidewalk along Ward 19 side, 432
- NEPONSET VALLEY HIGHWAY: notice from State Department of Public Works, of laying out, 328
- NEWARK ST., WARD 11: repaving under W. P. A. construction plan, 379-message, communication, 384
- NEW HEATH ST., WARD 10: repaving, between Heath sq. and Columbus ave., under W. P. A. plan for construction, 388-message, communication, 397
- NEWPORT ST., WARD 13: resurface with W. P. A. type of construction, 156-message, communication, 172
- NEWTON ST., WARD 22: resurface under W. P. A. construction plan 223
- NORTHBOURNE RD., WARD 19: accept, lay out under W. P. A. plan of construction, 225
- NORTON ST., WARD 15: resurface under W. P. A. plan for constructing 419-message, communication, 439
- OLD MORTON ST., WARD 17: sidewalks, as W. P. A. project, from River to Morton st., 113-message, communication, 173
- OLNEY ST., WARD 15: resurface under W. P. A. plan of construction, July 10, 1939-message, communication, 385
- ORIOLE ST., WARD 20: sidewalks under W. P. A. plan of construction 275-message, communication, 336
- OWEN ST., WARD 18: acceptance, laying out, 165
- PARK ST., WARD 3: resurface, replacing cobblestones with smooth surface, 65-message, communication, 102, 103
- PARSONS ST., WARD 22: construction of pedestrian underpass, 300-message, communication, 356  
resurfacing with W. P. A. type of work, 242  
survey of conditions at underpass, 223-message, communication, 280, 281
- PAUL GORE ST., WARD 19: resurface under W. P. A. construction plan, 322-message, communication, 337



## Streets, Squares, Circles, Continued

## Improvement orders passed:

- PEQUOT ST., WARD 10: resurfacing with W. P. A. type of construction, 363—message, communication, 384
- PERCIVAL ST., WARD 15: resurfacing under W. P. A. construction plan, 385
- PERKINS ST., WARD 19: sidewalk along Ward 19 side, 420—message, communication, 464—message, communication and veto, 435  
sidewalks along Ward 19 side by W. P. A. type construction, 447
- PLEASANT ST., WARD 13: harring trucks from street, 411—message, communication, 425
- POND ST., WARD 19: reconstruct under W. P. A. plan of construction, from Centre st. to Jamaica way, 225—message, communication, 268
- PORTER ST., WARD 1: sidewalk repair between Chelsea and Orleans st., order, page 422, 1938 Proceedings—message, communication, 21
- PORTINA RD., WARD 22: accept, lay out with W. P. A. type construction, 330
- POTOSI ST., WARD 15: resurfacing under W. P. A. plan of construction, July 10, 1939—message, communication, 385
- PRINCE ST., WARD 3: remove debris and stones, install proper lighting for playground, 119—message, communication, 129
- QUINN WAY, WARD 20: accept, lay out, 275
- REGENT ST., WARD 12: sidewalk repairs, 18
- RENA ST., WARD 22: accept, lay out, under W. P. A. type of construction, 121
- REYEM CIRCLE, WARD 11: accept, lay out, under W. P. A. type of construction, 188
- RICHFIELD PK., WARD 15: accept, lay out, as W. P. A. construction project, 188
- ROBINSON PL., WARD 16: accept, lay out, under W. P. A. construction plan, 348
- ROMSEY ST., WARD 13: burying wires, 347—message, communication, 354
- ROSLINDALE SQ., WARD 20: survey of dangerous condition, 265—message, report, 356, 357
- ROSEMARY ST., WARD 11: resurface under W. P. A. construction plan, 330—message, communication, 371
- ROUND HILL ST., WARD 10: burying wires 346—message, communication, 354
- RUGGLES ST., WARD 4: resurfacing with W. P. A. type of construction, 36—message, communication, 173
- RUMFORD ST., WARD 20: accept, lay out, 275
- RYDER HILL RD., WARD 22: accept, lay out, under W. P. A. type of construction, 121
- SACHEM ST., WARD 10: repave under W. P. A. construction project, 157—message, communication, 174
- ST. ALBANS RD., WARD 10: burying wires, 346—message, communication, 354
- ST. ALPHONSUS ST., WARD 10: sidewalks on unfinished section, 363
- St. Gregory's CT., WARD 17: resurfacing, from Dorchester ave. to Avondale pl., 494
- SANDERSON PL., WARD 22: accept, lay out, 85; accept, lay out, with W. P. A. type of construction, 121
- SARGENT ST., WARD 13: street lights, installation at Hartford st.; at Howard ave.; middle of Sargent st., 332—message, communication, 371
- SAVIN HILL AVE., WARD 13: resurfacing, from Dorchester ave. to bridge, concrete paving, under W. P. A. plan of construction, 136—message, communication, 172
- SAWYER AVE., WARD 13: sidewalk, under W. P. A. plan, for construction, 80—message, communication, filed, 133
- SAXTON ST., WARD 13: burying wires, 347—message, communication, 354
- SCHIRMER ROAD EXTENSION, WARD 20: accept, lay out, 166
- SEWALL ST., WARD 10: reconstruction, under W. P. A. plan of construction, 387—message, communication, 398
- SHERWOOD RD., WARD 20: install electric lights, 208—message, communication, 207
- SHERWOOD ST., WARD 19: resurface, with W. P. A. type of construction, 162—message, communication, 196
- SILVER ST., WARD 6: resurface, from D to E sts., 450—message, communication, 464
- SOMERSET ST., WARD 3: resurfacing, 328—message, communication, 385
- SOUTH ST., WARD 20: replacing manhole covers from Robert to Centre sts., 155—message, communication, 213
- SOUTH ST., AT CENTRE ST., WARD 20: "stop" sign at intersection, 248
- SOUTH FAIRVIEW ST., WARD 20: sidewalks, from South to South Walter sts., 248
- SOUTH HUNTINGTON AVE. AND PERKINS ST., WARDS 10 AND 19: automatic traffic signals at junction in Jamaica Plain, 191—message, communication, 256

## Streets, Squares, Circles, Continued

## Improvement orders passed:

- SPEEDWELL ST., WARD 15: resurface, under W. P. A. plan for construction, 419—message, communication, 439
- SPRING GARDEN ST., WARD 13: resurface, under W. P. A. construction plan, 347—message, communication, 385
- STARR LANE, WARD 19: accept, lay out, under W. P. A. construction plan, 225
- STONEHURST ST., WARD 15: resurface, under W. P. A. plan for construction, 419—message, communication, 439
- STURGES RD., WARD 20: steps connecting with Bellevue st., 137—message, communication, 173
- SUMMER ST., WARD 20: accept, lay out, under W. P. A. construction plan, 301  
sidewalks on accepted portion, both sides, 301—message, communication, 337
- SUNSET HILL PATH, WARD 20: accept, lay out, under W. P. A. construction plan, 222; stairs to Centre st., 192—message, communication, 268; immediate action requested, passed, 331
- SYMMES ST., WARD 20: sidewalk from Fairview to Walter sts., 331
- TAPPAN ST., WARD 20: sidewalks, under W. P. A. plan of construction, 139—message, communication, 195
- TELFORD ST., WARD 22: resurfacing under W. P. A. construction plan, 28—message, communication, 104
- TEMPLE ST., WARD 20: repaving, under W. P. A. construction plan, 378—message, communication, 386
- TEMPLE TERRACE, WARD 20: accept, lay out, under W. P. A. construction plan, 222
- TERRACE ST., WARD 10: sidewalks, 242
- THEODORE PARKER ROAD EXTENSION, WARD 20: accept, lay out, 166
- TREMONT ST., WARD 9: repaving, Northampton st. to Roxbury Crossing, as a W. P. A. project, 248
- UPHAM AVE., WARD 13: resurface with W. P. A. type construction, from Hancock st. Cushing ave., 155—message, communication, 172  
resurface from Cushing ave. to Hancock st., under W. P. A. constructing plan, 402—message, communication, 438
- UPLAND RD., WARD 22: accept, lay out, under W. P. A. type construction, 121
- VAN WINKLE ST., WARD 16: sidewalks on both sides, from Carruth to Bushnell sts., 403—message, communication, 438, 439  
sidewalk, from Dorchester ave. to rapid transit and Bushnell to Carruth sts., 477
- VERMONT ST., WARD 20: sidewalks, under W. P. A. plan of construction, 275—message, communication, 336
- VICTOR ST., WARD 13: resurface, order page 423, 1938 Proceedings—message, communication, 29
- WAIT ST., WARD 10: resurface, order page 422, 1938 Proceedings—message, communication, 30
- WALDEN ST., WARD 10: resurface, under W. P. A. plan of construction, 165—message, communication, 196
- WALNUT PK., WARD 11: resurface with W. P. A. type of construction, 155—message, communication, 171, 172  
sidewalks, as W. P. A. project, 155—message, communication, 171
- WALTER ST., WARD 20: harring heavy trucks from street, 448—message, communication, 457
- WARD 13 STREETS: cleaning immediately and in future, 47—message, communication, 57, 58  
substitution of electric for present gas lamps, 120—message, communication, 126
- WARD 14: removal of ice and snow from crosswalks, 65
- WARD 20: start construction work as W. P. A. project on all streets where sewer work has been done, 155—message, communication, 195  
all sidewalks surveyed for necessary repairs, 208  
clean gutters on side streets, 208—message, communication, 280
- WARREN SQ., WARD 19: accept, lay out, under W. P. A. construction plan, 300
- WASHINGTON ST., ROSLINDALE SQ.: arc lights opposite Cummins highway in front of park, 191—message, communication, 269
- WASHINGTON ST., WARD 19: sidewalks, Archdale rd. to Roslindale sq., under W. P. A. construction plan, 19—repeat order, 121—message, communication, 130
- WASHINGTON ST., WARD 20: sidewalks from West Roxbury parkway to La Grange st., order to confer with Metropolitan District Commission *in re*, passed, 331—message, communication, 356
- WAYLAND ST., WARD 13: burying wires, 347—message, communication, 354  
resurface under W. P. A. plan of construction, 207—message, communication, 280
- WELD AVE., WARD 11 sidewalks, both sides, under W. P. A. type of construction, 188—message, communication, 212

## Streets, Squares, Circles, Continued

## improvement orders passed:

- WELD ST., WARD 20:  
barring heavy trucks, 448—message, communication, 457  
resurfacing, Church st. to West Roxbury parkway., 248—message, communication, 457
- WELTON RD., WARD 20: accept, lay out, under W. P. A. construction plan, 331
- WENDOVER ST., WARD 4: accept, lay out, under W. P. A. plan of construction, 471
- WENSLEY ST., WARD 10: repaving, under W. P. A. construction plan, 137—message, communication, 174
- WEST SIXTH AND SEVENTH STS., WARDS 6 AND 7:  
resurface, under W. P. A. plan for construction, 167—message, communication, 196  
resurface under W. P. A. plan of construction, 424—message, communication, 439
- WESTBOURNE ST., WARD 20: sidewalks from Beech st. to West Roxbury parkway, 223
- WESTLAND AVE. AT HEMENWAY ST., WARD 4: traffic signals at junction, 36—message, communication, 59
- WHITBY ST., WARD 1: resurfacing under W. P. A. plan of construction, 388—message, communication, 392, 393
- WHITBY TER., WARD 13: accept, lay out, under W. P. A. plan for construction, 449
- WILDER ST., WARD 14: resurface with W. P. A. type of construction, 346—message, communication, 385
- WILLIAMS ST., WARD 11: sidewalks from Washington to Call sts., 155—message, communication, 214
- WILLOW ST., WARD 20: sidewalks, both sides, from Centre to Weld sts., 208
- WOODARD RD., WARD 20: accept, lay out, from Wren to Park sts., 275
- WOODCLIFF ST., WARD 13:  
accept, lay out, at Cunningham st. end, under W. P. A. construction plan, 332  
resurface under W. P. A. plan of construction, 207—message, communication, 227, 228—message, communication, 280
- WOODWARD PARK ST.:  
resurfacing under W. P. A. construction plan, 300—message, communication, 336
- WORCESTER SQ., WARD 8: cement walks for park reservation as W. P. A. project, 447—message, communication, 459
- WREN ST., WARD 20: sidewalks, both sides, under W. P. A. plan of construction, 192—message, communication, 268; duplicate order, 275
- WYMAN ST., WARD 10:  
resurface, order pages 395, 422, 1938 Proceedings—message, communication, 21, 30  
sidewalk along No. 86, under W. P. A. plan for construction, 454—message, communication, 460
- naming, renaming orders passed:**
- BUSWELL ST.:  
formerly Ivy st., from St. Mary's to Mountfort st., notice received, 135
- FATHER JOHN B. DEVALLES SQ., at junction Pleasant and Stoughton sts., Ward 13, 419
- MARY A. DOHERTY SQ., intersection of Standard, Freeland and Manchester sts., 225
- (MONSIGNOR) DOLAN CT., WARD 17, change from St. Gregory's ct., 494—message, communication, 496, 497
- (WILLIAM C.) KELLY SQ.: erroneously called William J. Kelly sq., 409
- KELTON ST., BRIGHTON district, from old name Warren st., 135
- (CHARLES E.) MACKAY SQ., WARDS 6 AND 7: at junction Preble st. and Old Colony ave., 448—message, with veto, 456
- (THOMAS J.) NEVINS SQ. at junction of Quincy and Bowdoin sts., 391
- (ARTHUR P.) WHITE SQ., at junction Geneva ave. and Columbia rd., 346, 375, 376
- (EDWARD J.) WHITE SQ., WARD 18: at junction Hyde Park ave. and Mt. Hope st., 447

## Suffolk County

- Clerk of Court**, Superior Court, civil business: appointed by Governor Saltonstall, 461
- divide into representative districts** and assign representatives thereto, notice received from the "special commission to divide Suffolk County," 497
- sheriff appointed:** Frederick R. Sullivan *vice* John F. Dowd resigned November 13, 1939, filed, 467
- Appellate divisions** and designation of members of the Administrative Committee of District Courts to fill vacancies, appointments and designations, filed, 441
- Boston municipal court:** to move at once into available space in new Suffolk County Court House, order passed, 244

## Suffolk County, Continued

- expenditures of commission:** finance commission to investigate, order referred to executive committee, 245, 246—report filed, passed, 276
- information:** from Court House Commission *in re* lighting system, cost of clocks and toilet facilities (2 orders), 348, 349
- use of electricity in new building:** two orders for curtailment of lights, orders referred to executive committee, 222—referred to appropriations committee, 246
- Boston as a County:** orders to prepare, introduce and seek approval of legislation to establish and to cause each town and city to contribute its share proportionally to maintenance cost, referred to executive committee, 139, 140—passed, 141—message, communication, 175
- elevator operator:** establishing position at \$1,900, order referred to county accounts committee, 150, 151—passed, 331
- finance commission report:** new Suffolk County Court House report received, filed, 341, 342, 343, 344
- registry of deeds cloak room attendant:** changes in Compensation and Classification Plans, order referred to county accounts committee, 150, 151—passed, 331
- salary increases:** order for law department to oppose unless approved by the Mayor and Council, passed, 155—message, communication, 174, 175
- sheriff salary balance:** for six months, order for acceptance of Act authorizing payment and chargeable to contingent fund, 272
- widow of late Sheriff Keliher:** resolution authorizing payment of balance of salary to end of term of office, passed, 135
- salary increase for sheriff:** message, communication and order for raise from \$4,000 to \$6,000 fixed salary, referred to county accounts committee, 159—message with withdrawal of order for raise in salary, 269
- transfers within departmental appropriations:**  
COURT HOUSE CUSTODIAN:  
\$6,000, referred to executive committee, 415  
SUPREME JUDICIAL COURT:  
\$25, referred to executive committee, 415

## Suffolk County Accounts Committee

*see* County Accounts Committee

## Sullivan, Maurice H., Councilor, Ward 22

**ward area:** Brighton, north

**committee appointments:**

- executive  
ordinances, printing, chairman, 35  
license fees, tax title property, 57

**improvements, Ward 22:**

FOR DETAILS: *see* Streets, Squares, Circles, names

- Adair rd., 121  
Alcott st., 223  
Allston bridge, at Cambridge, Linden and Lincoln sts., 37 (with Councilor Agnew)  
Bigelow st., 121  
Blaine ave., 223  
Bradbury st., 223  
Eastburn st., 109  
Eaton st., 121  
Etna st. extension, 121  
Hano st., 223  
Myrick st., 121, 223  
Newton st., 223  
Parsons st., 242, 300  
Portina rd., 330  
Rena st., 121  
Ryder Hill rd., 121  
Sanderson pl., 85, 121  
Telford st., 28  
Upland rd., 121

**objections:** reports of committees: ORDINANCES, vending machines, 164

**orders:**

- action on five-cent fare routes, 455  
action against non-resident employees, 242 (with Councilor Hutchinson)  
additional firemen, 441  
annuity to Ernest E. Fewkes, 374 (2 orders)  
Boston County and county maintenance (2 orders), 139, 140  
copy of city survey, 471  
curtailment of one-man car, "El" service, 121  
demolition work to Boston residents, 391 (with Councilor Lyons)  
dormitory labor confined to Boston citizens, 471  
dust nuisance, Joseph Lee playground, 471  
Elevated fares, 441  
five-cent fare zones, 441  
municipal stadium, 470

## Sullivan, Maurice H., Councilor, Ward 22, Continued

## orders:

obligatory residence in Boston for teachers, 199 (with Councilor Hutchinson)  
removal, unused car tracks (2 orders), 471 (with Councilor Shattuck)  
repairs to streets by public utilities, 419  
residence of all city teachers within city, 161 (with Councilor Hutchinson)  
roping off streets for race, 156  
survey of housing projects, 276 (with Councilor Hutchinson)  
survey, Parsons st. underpass, Ward 22, 223  
points of information: reports of committees: FINANCE, 429

## remarks:

action on five-cent fare routes, 455  
action against non-resident employees, 243  
assessments, Ward 20, 448  
Boston County and county maintenance, 140  
curtailment of one-man car, "El" service, 121  
dormitory labor confined to Boston citizens, 471  
five-cent fare zones, 441, 442  
obligatory residence in Boston for teachers, 199, 200, 201, 202 (with enclosures)  
information *in re* police department, 63  
loss to Elevated through out-of-town bus lines, 95  
municipal stadium, 470  
price of milk to welfare and W. P. A. families, 498  
repairs to streets by public utilities, 419  
report of special committee on Un-American Activities, 83, 84  
reports of committees: EXECUTIVE, vending machines, 210; 424, 502;  
JITNEY LICENSES, 118; PRISONS, 492  
residence of all city teachers within city, 161  
resurfacing Telford st., 28  
action on five-cent fare routes, 455

## resolutions:

action against non-resident employees, 242, 243 (with Councilor Hutchinson)  
automobile insurance rates, 430, 431 (with Councilors Galvin and Hutchinson)  
commendation of action of Headmaster Robert B. Masterson, 84 (with Councilor Galvin)  
pay of injured employees, 28  
pension to Ernest E. Fewkes, 347  
price of milk to welfare and W. P. A. families, 498  
protest to W. P. A. relief cut (3 resolves), 139 (with Councilor Hutchinson)  
public ownership of Boston Elevated, 80  
recommendations by state tax commissioner, 121, 122  
reinstatement of James Gray, Jr., 168  
reinstatement of James Gray, 265  
reopening, East Boston relief station, 443  
resignation of Justice Louis D. Brandeis, 80 (with Councilors Hutchinson, Galvin, Rosenberg)

## Sunner Tunnel

ORDER recording opposition to any increase in tolls, passed, 245  
TOLLS INCREASE: Council to consider, since Massachusetts legislature failed to provide for State share in cost of operation and maintenance, reconsideration proposed and refused, 249

## Surplus Commodities Division

## BUTTER DISTRIBUTION:

order to confer with W. P. A. authorities for distribution within the city, passed, 191  
rancid butter complaints, order for conference passed, 332—message, communication, 353, 354

STAMP ACT PLAN: the Mayor to consider requesting establishment stamp plan distribution of food in Boston, order passed, 476, 477. Item from *Daily News* of Rochester, November 21, 1939, included in record; duplicate order with newspaper comments included in record, passed, 476, 477

STATION FOR WARD 20: order for public welfare department to establish passed, 396—message, communication, 415, 416

## Tax Title Property

for playgrounds: in various parts of city, land used for children, order to consider, passed 388

"for sale" signs on all properties owned by city through default on tax payments; also a list for real estate men and possible purchasers, order passed, 166

information under 12 heads: number in city's possessions, sold, amounts from sales, rentals, and whether an up-to-date list, etc., order passed, 90, 91—message, communication, 143, 144

outside debt limit, \$1,500,000 loan: approved by Emergency Finance Board, 177—first reading, passage, 380—second reading and passage, 387

## Tax Title Property, Continued

revenue loan, \$2,000,000: message and order referred to executive committee, 124—passed, 141—final passing, 159, 160—Emergency Finance Board approval, 159, 345, 359, 374

sale of 1,947 parcels: order for sale at public auction after properly advertising, passed, 168

sales for 1938 unpaid taxes: information from city collector, order passed, 36—message, communications, 41

sales reported: with full details in *City Record*, order passed, 402

## Tax Title Property Committee

members: Councilors Lyons, chairman, Irwin, Galvin, Chase, Sullivan, 57

## Taxes

ABATEMENT PETITIONS: expiration of time, sixty days after assessors decisions, a definite notice to be given each appellant, two orders passed, 189, 190, 191

## ABATEMENTS:

not to penalize widows and others financially unable to pay taxes and having mortgages with cooperative banks, order passed, 139  
to widows and welfare recipients, order to transfer power to grant, from assessing board to welfare department, referred to executive committee, 202, 203

ABATEMENTS OVER \$1,000: exclusive of widows' abatements and reductions of valuation, order for complete report from assessing department, passed, 157

ABATEMENT, TIME FOR FILING: extension beyond October 1 for 1939 abatement petitions, order passed, 246

ABATEMENT TO WIDOWS: law department to draft and present bill for abatement if owner is without income and no mortgages be given consideration, order passed, 448, 449

HOUSING PROJECTS ABATEMENTS: on 1939 valuation on present value of property, order (no action taken), 396

## INFORMATION FROM ASSESSORS:

under five heads, order passed, 264  
under seven heads, order passed, 207

INTEREST CHARGES: order for rescission of order making interest payable from October 1 instead of November 1 as formerly, passed, 447—message, communication, 459

INTEREST ON HOME MORTGAGES: amounting to \$5,000 at the rate of 5 per cent for those paying amortization, the rate be reduced to 4 per cent, order passed, 135

NO INCREASE IN VALUATION, WARD 20: without warrant, local assessors requested not to increase, order passed, 448

PAYMENT OF TAX LIENS: before compelling entire indebtedness of taxes payment, order passed, 362—message, communication, 406

PROPERTIES EXEMPTED ONE-THIRD TAXES: order for investigation, referred to executive committee, 366

SALES POSTPONEMENT: taxes for 1938 until 1940, order passed, 207

STATE TAX COMMISSIONER: recommendations, preambles and resolution favoring sections 1 and 2 and opposing third alternative for sales tax; \$3,000,000 from income receipts for needy cities and towns—or a release from all state and county tax assessments, referred to executive committee, 121, 122

SUGGESTED BY GOVERNOR SALTONSTALL: opposing new tax suggestion as unfair to those least able to bear them, resolution referred to rules committee, 46

## Taxicabs

DISPLAY, OPERATOR'S PHOTOGRAPH: regulations relative to license, conspicuously display of photograph, order passed, 56—message, communication, 68, 101

FINANCE COMMISSION REPORT: "so-called taxicab scandal" with addition of minority report, referred to executive committee, 44, 45—placed on file, 48

INSPECTION: police department to suspend the licenses for imperfect mechanism of taxicabs, order passed, 493

## Taylor, Charles I., Councilor, Ward 12

ward area: Roxbury, east

## committee appointments:

escort to Mayor Tobin upon delivery of annual message, 1  
executive

claims, finance, prison inspection, ordinances, chairman, jitney licenses, 35

building code, constables, public safety, 57

committee resignations: from finance, 120

## amendments:

Boston Elevated situation, 187  
hospitalization of expectant mothers, 168

## Taylor, Charles I., Councilor, Ward 12, Continued

**improvements, Ward 12:**

FOR DETAILS: see Streets, Squares, Circles, names Dale and Regent sts., 18  
Harrison ave., at Dudley st., 404 (with Councilor McMahon)

**motions:**

action on five-cent fare routes, 455  
cessation of eminent domain proceedings until plebiscite, 315  
loan order recalled from finance committee, 374  
next meeting, February 16, 80; February 27, 86  
officers of Boston Taxpayers' Alliance, 260  
public hearings on Federal housing, 301  
reports of committees: EXECUTIVE, 277, 480

**orders:**

abatements to widows, etc., 202  
attendance of board of assessors, 26  
baseball diamonds, Franklin park, 199  
bus line, Egleston sq. and Allston, 388 (with Councilor Rosenberg)  
closing school centers, 470  
continuation of public hearings on further housing, 351 (second order)  
decision on gas rates, 418  
drinking facilities, City hospital, 388, 389 (with Councilor Rosenberg)  
expenditures of Court House Commission, 245  
filing cabinets for assessing and water departments, 79  
fuel supply for needy, 430  
inspection of taxicabs, 493  
interest tax charge to taxpayers, 447  
leave of absence on Jewish holidays, 155 (with Councilor Rosenberg)  
leave for Jewish employees on Jewish holidays, 395 (with Councilor Rosenberg)  
legality of "bank night," 410  
municipal building, Ward 12, 410  
officers of Boston Taxpayers' Alliance, 260  
payment, taxes on property on which city holds lien before subsequent taxes, 362  
petitions for tax abatements, 139  
prison industry fund appropriation, 160

**order withdrawal:** continuation of public hearings on further housing, 351

**ordinances:** new ordinance re building inspectors, 450

**points of information:**

appropriation, Social Law library, 494  
Boston Elevated situation, 187  
hearings on hospital situation, 220  
loss to Elevated through out-of-town bus lines, 94, 95  
opposition to purchase of Elevated common stock, 115  
reports of committees: EXECUTIVE, 277, 422, 423; JITNEY LICENSES, 118; RULES, 123  
resolution on lottery, 363

**points of order:**

continuation of public hearings on further housing, 350, 351  
reports of committees: EXECUTIVE, 483

**reconsideration motion:** continuation of public hearings on further housing, 351

**remarks:**

abatements to widows, etc., 202, 203  
acceptance of land, West Roxbury, 487  
amendments to building code, 27  
appreciation for Council Chamber work, 389  
attendance of board of assessors, 26  
baseball diamonds, Franklin park, 199  
Boston Elevated situation, 188  
breakage on horse and dog racing, 375  
bus permit asked by Eastern Massachusetts Street Railway Company, 108  
bus permit, Fall River and Boston, 93  
closing school centers, 470  
condemning public statements on pending matters, 34  
consideration on delinquent water bills, 329  
continuation of public hearings on further housing, 350, 351  
decision on gas rates, 418  
dog track petition, 134  
emergency hospital service, Charlestown, 167  
expenditures of Court House Commission, 245  
filing abatement petitions, 191  
filing cabinets for assessing and water departments, 79, 80  
finance commission report re Elevated, favored, 299  
five-cent fare zones, 442, 443  
fuel supply for needy, 430  
hearings on hospital situation, 221  
information in re police department, 63  
inspection of taxicabs, 493  
interest tax charge to taxpayers, 447  
investigation, busses using streets as stations, 367  
loss to Elevated through out-of-town bus lines, 94, 95  
municipal building, Ward 12, 410  
non-support proceedings, 25, 26  
officers of Boston Taxpayers' Alliance, 260  
opposition to House Bill 2645, 113  
payment of taxes on property on which city holds lien before subsequent taxes, 362  
petitions for tax abatements, 139  
plebiscite on housing projects, 303  
prison industry fund appropriation, 160

## Taylor, Charles I., Councilor, Ward 12, Continued

**remarks:**

public hearings on Federal housing, 302  
reports of committees: EXECUTIVE, taxicabs, 49; dog racing track, 52, 53, 56; vending machines, 210, 262, 320, 421, 478; JITNEY LICENSES, 117, 118; ORDINANCES, vending machines, 162, 185 (with inclosure); PRISONS, 492; RULES, 123  
resolution on lottery, 363  
speed limit, busses on Blue Hill ave., 388  
statements by Commissioner Lyman, 217, 218  
use, W. P. A. architects in housing projects, 487  
veto asked on Eastern Massachusetts Street Railway Company bus permit, 120

**resolutions:**

"Abe Lincoln in Illinois" week, 447 (2 resolves)  
breakage on horse and dog racing, 375  
finance commission report re Elevated favored, 299  
opposition to curtailment of five-cent fares, 447  
proposed payment to estates of deceased teachers, 120  
statements by Commissioner Lyman, 217  
veto asked on Eastern Massachusetts Street Railway bus permit, 120 (with Councilor Rosenberg)

**unanimous consents:**

conditions in assessing department, 19, 20  
Eastern Massachusetts bus terminal, 366  
reports of committees: EXECUTIVE, vending machines, 210  
resolution on lottery, 363

## Temporary Taxicab Permits

**until adoption by Council:** of statute voted on November, 1938, order passed, 27

## Traffic Commission

**"angle" parking:** permission to use on Harvard and Brighton aves., 225

**"angle" parking, Centre st., Ward 20:** order to permit between Temple and Weld sts., passed, 378

**automatic signal light orders passed:** loan, \$10,000 for lights on Bennington st., East Boston, from Neptune rd. to Orient Heights, referred to finance committee, 248

Ward 1, 46, 47, 136, 248

Ward 3, 389

Ward 4, 36

Ward 8, 404

Ward 10, 35

Wards 10 and 19, 191

Ward 13 (3), 483

Ward 14, 402

Ward 19, 47, 64, 300

Ward 20, 192, 483

**barring heavy trucks from Fletcher st., Ward 20, from South to Centre sts., order passed, 155**

**conference:** of public works commissioner, Boston Elevated trustees and street commissioner to reconstruct Blue Hill ave. for relief of traffic hazards, order passed, 137

**cutting sidewalk:** to widen turn from Asticou rd. into Washington st. to relieve traffic congestion, order passed, 449

**information:** complete number of automatic traffic signals available for installation and repair, order passed, 483

**limiting speed to ten miles an hour:** on Blue Hill ave., Charles and Seaver sts., order for ordinance passed, 388

**Moran Service, Inc.:** new route to dump in Dedham avoiding La Grange, Lasell and Baker sts., order passed, 483

**no parking restrictions:** on Moultrie, Kenwood, Lyndhurst sts., within 200 feet of Washington st., Ward 17, 36

**one way streets:**

Austin and Chapman sts., order passed, 454

Buttonwood st., from Crescent ave. to Columbia rd., order passed, 470

**painting crosswalks orders passed:** Ward 19, 85

**regulations:**

survey of conditions entire length of Blue Hill ave. to reduce death rate, order passed, 122-message, communication, 143  
as above at Blue Hill ave. and Seaver st., order passed, 122-message, communication, 143

**relocation, automatic signal lights:** order, page 432, 1938 Proceedings-message, communication, 23

**Roslindale sq. conditions:** survey and report to Council containing suggestions for relief, order passed, 265-message, communication, 356, 357

**safety island:** junction of Henley, Park and Warren sts., order passed, 411

**"slow" signs orders passed:**

Ward 11, 73

Wards 13 and 15, 22

**"stop" sign order passed:** Ward 20, 248

**Traffic Commission, Continued**

- survey conditions, City sq. and establishment of rotary traffic, order passed, 225—message, communication, 271
- survey of conditions, Roslindale sq.: order passed, 265—message, communication, 356, 357
- traffic regulations orders passed: Ward 19, 18
- trucks barred from Pleasant st., Ward 13, order passed, 411

**Transfers**

- CITY TO LOEW'S, INC.: 10 square feet of land contiguous to theatre, order referred to executive committee, 252—passed, 262
- CITY TO STATE (HOUSE OF CORRECTION): suggested by finance commission, 152, 153, 154
- BETWEEN DEPARTMENTAL APPROPRIATIONS, REFERRED TO EXECUTIVE COMMITTEE: \$87,550.05 from sales of city property and new city hall, 466—passed, 468—second passing, 475
- CONTINGENT FUND TO LIBRARY REPAIRS: \$10,000, 378—passed, 431
- CONTINGENT FUND TO ZONING BOARD: \$1,500, 359—376
- DORCHESTER HEIGHTS DISTRICT TO UNITED STATES GOVERNMENT as National shrine, order passed, 19
- FIRE TO PUBLIC WORKS DEPARTMENT: Marion st. fire station, East Boston, order referred, 43—passed, 48
- H, RELIEF PROJECTS, FROM LIBRARY AND FIRE DEPARTMENTS: \$2,000 each, 399—400—final reading and passage, 420
- HOSPITAL TO PUBLIC WORKS DEPARTMENT: parental school property, West Roxbury, 43, 44—passed, 79 land to park department from public buildings department, order passed, 396
- NEPONSET TRAFFIC CIRCLE TO METROPOLITAN DISTRICT COMMISSION: from care of Boston street commissioner, 15—passed, 18—copy of indenture of transfer received from law department, 73
- PARK DEPARTMENT for playground purposes, order to place vacant land, Alexander st., Dorchester, passed, 378
- PARK DEPARTMENT FROM PARKMAN FUND, REFERRED TO EXECUTIVE COMMITTEE AND PASSED:
- |              |          |
|--------------|----------|
| \$70,000,    | 216—223  |
| \$35,000,    | 312      |
| \$32,000,    | 358, 359 |
| \$20,000,    | 393, 394 |
| \$25,000,    | 457      |
| \$11,800.16, | 485—486  |
| \$22,000,    | 438—449  |
- WATER INCOME, PUBLIC WORKS DEPARTMENT, TO H, RELIEF PROJECTS: \$38,000, referred to executive committee, passed, 330
- W. P. A. COMMODITIES STATION LOCATION: change from Hampden and Eustis sts., Roxbury to George st. school, 362—message, communication, 382, 383
- WITHIN DEPARTMENTAL APPROPRIATIONS, REFERRED TO EXECUTIVE COMMITTEE:
- APPEALS BOARD: \$75, 359—366
- ASSESSING DEPARTMENT: \$218.70, 359—366
- CUSTODIAN OF FORECLOSED REAL ESTATE TO PUBLIC WORKS DEPARTMENT: 312 Albany st. land to care of custodian, 270—passed, 276
- FIRE DEPARTMENT:
- |          |   |
|----------|---|
| \$7,050, | 360—366   |
| \$3,000, | 398   |
| \$2,000, | referred to executive committee, 373—passed, 376, 377—387 |
- HOSPITAL DEPARTMENT: \$3,000, \$1,000 and \$1,500, 415—except \$3,000 item, passed, 421
- INSTITUTIONS DEPARTMENT: \$550, 398
- Municipal court, West Roxbury: \$15, 373—passed, 376, 377, 388
- PRINTING DEPARTMENT: \$410.74, 360—366; \$890.06, 435—449
- PUBLIC WORKS DEPARTMENT: \$3,600, 435—passed, 449
- REGISTRY DEPARTMENT: \$600, 398
- SCHOOL COMMITTEE TO PUBLIC BUILDINGS DEPARTMENT: Brewster school, Morton and Norfolk sts., for recreational public use, order passed, 299
- SUFFOLK COUNTY, COURT HOUSE CUSTODIAN: \$6,000, 415—not passed, 421
- SUPREME JUDICIAL COURT: \$25, 415
- WEIGHTS AND MEASURES DEPARTMENT: \$100, referred to executive committee, 381—passed, 387

**Transit Department**

- CAR RESERVATION: requested to sponsor W. P. A. project for grass-plotted safety islands with trees, order passed, 420

**Tunnel**

- VEHICULAR TRAFFIC TUNNEL OPENING at Broadway and Dorchester ave., order to consider opening former street car tunnel of Boston Elevated Railway for vehicles, passed, 362—message, communication, 381, 382

**Un-American Activities**

- special committee report, 82, 83

**Unclaimed Baggage Committee**

- members: Councilors Kerrigan, chairman, Agnew, Wilson, 57

**Underpasses**

- BLUE HILL AVE. AND MORTON ST.: consult with proper state authorities *re* construction of underpass, order passed, 48
- at junction, resolution favoring legislative enactment for construction, passed, 19—message, veto, 29
- PARSONS ST., WARD 22: order for survey for improvement of conditions, passed, 223—message, communication, 280, 281; pedestrian underpass abutting present motor underpass at Boston & Albany tracks, order passed, 300—message, communication, 356

**Unemployed Seamen**

- order for the Mayor to consider study for amelioration of condition, passed, 470

**Veterans**

- FOREIGN WARS: roping off streets by city messenger department for parade August 29, 1939, expense chargeable to flags, stakes and ropes appropriation of City Council, order passed, 374
- MASSACHUSETTS VOLUNTEER MILITIA, NINTH REGIMENT: order to erect tablet in Old Harbor Village to be charged to Phillips Street Fund, referred to executive committee, 416—order for \$500 for tablet, passed, 421
- SPANISH WAR: leave of absence June 9, 10, 11 without loss of pay for city employees to attend annual convention at Brockton, order passed, 302
- WORLD WAR: consider construction of monument to memory of veterans on plot of land in City sq., Charlestown, order passed, 84

**Veterans' Hospital, West Roxbury**

- order to consider utilizing former veterans' hospital as convalescent hospital for women, passed, 47, 48

**Voting Precinct Changes**

- Wards 2, 7, 10: Document 47, filed, 360

**Ward 17 Plebiscite on Liquor Sales**

- in 20 precincts: order to arrange for vote on three questions concerning sales in the Ward, passed, 86

**Water Bill Demand Charges**

- order for law department to prepare and submit bill for reduction or elimination of demand charges of 35 cents, passed, 404

**Water Income Balance**

- under Acts, 1914, chap. 324, sect. 1, the city auditor to use the balance \$542,980.95 to meet the interest and sinking fund requirements or serial loan payments of city debts, order referred to executive committee, 150—passed, 156

**Weights and Measures**

- sealer appointed: John F. McCarthy, from December 31, 1939, 490

**West Roxbury Veterans' Hospital**

- order for razing buildings as W. P. A. project, passed, 80

**Whelton, Daniel A.**

- payment, \$600 as reimbursement for premiums on bond as special sheriff of Suffolk County, chargeable to contingent fund, order referred to executive committee, 483—order passed, 491
- refund claim: bond payment reimbursement, \$1,240, *see* Proceedings, 1938, pages 410, 411, 418, 419, 420, 421, 422—message, veto, Proceedings, 1939, pages 9, 10

**"White City," Ward 19**

order for survey with view to building new and repairing old streets' passed, 97—message, communication, 130

**White (George Robert) Fund**

**CEMETERY FUND:** law department to report on legality of use for erection of memorial to World War veterans, City sq., Charlestown, order passed, 248—message, communication, 285, 286

**DORCHESTER UNIT:** advice as to next meeting of trustees and urging construction of unit in Dorchester before adopting plans for beautifying city, order passed, 218

**EMERGENCY HOSPITAL SERVICE, CHARLESTOWN:** order for room and service, passed, 167

**FRANKLIN FIELD STADIUM:** order to consider erecting from White fund, passed, 191

**FRANKLIN PARK, WADING POOL:** construction from income of White fund, order passed, 329

**HEALTH UNIT:**  
Franklin field, order for allotment in 1940 for erection, passed, 433  
Ward 15, consider erecting in Dorchester section, order passed, 424  
Ward 20, consider erecting with recreation hall in a central location, order passed, 166—message, communication, 267

**MEMORIAL FOR WORLD WAR VETERANS:** in City sq., Charlestown, order to erect, passed, 248

**MUNICIPAL BUILDING:** trustees requested to consider erecting from income of fund, order passed, 36—message, communication filed, 102

**PLAYGROUND, JEFFRIES POINT:** consider constructing from White fund, in East Boston section, order passed, 108

**RECREATIONAL BUILDING: WARD 4:** order to consider erecting, passed, 48—message, communication, 102

**REPORT OF SECRETARY:** \$804,495.39 unexpended balance, December, 1938, 22

**WARD 13:** on Hancock st., owned by city, public works department yards, order passed April 3—message, communication, 267

**WARD 14 HEALTH UNIT:** trustees to consider erecting near Blue Hill and Talbot aves., 107—message, communication, 193

**Wilson, Robert Gardiner, Jr., Councilor, Ward 17**

**ward area:** Dorchester center

**presiding chairman:** 78 to 84

**permanent chairman, executive committee,** 31

**temporary chairman of executive committee:** 13, 252-265

**committee appointments:**  
executive, chairman  
legislative matters, ordinances, rules, 35  
building code, public welfare, public safety, unclaimed baggage, 57

**improvements, Ward 17:**  
FOR DETAILS: see Streets, Squares, Circles, names  
change St. Gregory's ct. to Monsignor Dolan ct., 494  
St. Gregory's ct., 494

**motions:**  
confirmation of appointments, January 23, 45  
executive committee reports: TAXICABS, 48  
increase of Summer tunnel tolls, 249  
loan order recalled from finance committee, 375  
report of committees: EXECUTIVE, 377  
sale of cigarettes by vending machines, 322  
vending machine ordinance, 212

**orders:**  
acceptance of land, West Roxbury, 487  
access to records of housing authority, 296 (with Councilor Chase)  
additional nurses, City hospital, 93  
advance notice of welfare visitor's calls, 469  
amendments to building code, 27  
amount spent in repairs, Central library, 1928-38, 366  
appraisal of Elevated by finance commission, 137  
appropriation for Social Law library, 493, 494  
architects on Federal housing projects, 494 (with Councilor Chase)  
architectural services, housing projects, 12  
attendant at each field house, 18  
Bill in Equity for appointment of Elevated receiver, 316  
Boston Elevated situation, 186 (with Councilors Kelly, Fish, Hutchinson, Rosenberg)  
Boston streets book, 389  
budget information re salaries, 189  
building law, housing project, 249  
cessation of eminent domain proceedings until plebiscite, 315  
changes in budget as submitted, 273  
city-owned passenger automobiles, 165  
city pay roll, 250 (3 orders)  
clearing sidewalks (2 orders), 156  
commendation of Dies Committee, 402 (with Councilor Chase)  
commissions on options for housing authority, 221  
commissioners paid by Boston Housing Authority, 445  
compliance with building law in housing projects, 47

**Wilson, Robert Gardiner, Jr., Councilor, Ward 17, Con.****orders:**

conduct, attorneys and doctors at City hospital, 390  
consolidation of departments, 249  
continuation, public hearings on further housing, 350  
copies of laws applicable to housing authority, 316  
data asked of housing authority, 316  
data re city yards, 261 (by Councilor Chase)  
data as to persons on W. P. A., 272  
data re water divisions, 249

**DEMOLITION:** Atlantic ave. loop, 114; Atlantic ave. structure (4 orders), 204; 261 (by Councilor Chase); Atlantic ave. Elevated, 297  
demolition work for Boston residents and American citizens, 391 (with Councilors Chase and Carey)  
disciplinary measures, City hospital, 445  
disposition of Boston Housing Authority appropriation, 221  
disposition of state checks, 165  
dogracing in Boston Garden, 85  
escalators at Northampton st. station and Ashmont terminal (2 orders), 19  
filing of abatement petitions (2 orders), 189  
"for sale" signs on tax-title property, 166  
Housing Authority bonds for takings, 475  
increase of Summer tunnel tolls, 249  
independent audit of Elevated books, 205

**INFORMATION:** amount paid by United States Government for Old Harbor Village site, 364; requested from assessing department, 363; Boston Elevated order, 486; requested from Boston Housing Authority, 298, 364, 390, 403, 405; re City hospital nurses, 91, 92; re City hospital (2 orders), 109, 110; from hospital trustees (2 orders), 137, 203; regarding investigation City hospital, 390; from overseers of public welfare, 349; in re police department, 61; from State Housing Authority, 315; re tax title properties, 90, 91  
investigation of radical movements, 74 (with Councilors Carey, Chase)  
invitation to Republican National convention, 494  
loan for Central library roof, 378  
moving families forced to vacate, 297 (with Councilor Chase)  
new edition of "Boston's Streets," 79  
no parking restrictions, Ward 17, 36  
number of city employees, 249  
nurses at City hospital, 87  
one day off in seven for policemen, 113  
open-air parking space licenses (3 orders), 19  
operations at Old Harbor Village, 249  
opinion requested on City hospital, 113  
opposition to House Bill 116, 276  
ordinance re parking spaces, 47  
parking underneath South Station, 86  
partial abatement on property taken by eminent domain, 390  
payment for copies of City Record, 498 (with Councilor Kelly)  
payment to resident owners of homes taken in housing projects, 273, 274, 275

**PLEBISCITE:** extension, Federal housing projects in Boston, 404, Federal housing, Boston, 444, on housing projects, 261 (by Councilor Chase)  
posting, laws re illegal voting, 419  
preference to Boston residents on housing projects, 12  
promised finance commission report re City hospital, 139  
protection against slander of candidates, 476  
provision for nurses contracting illness, 475  
public hearing for taxpayers on budget, 206  
public sentiment re Federal housing projects, 272 (with Councilor Chase)  
recreation area, Dorchester High School for Girls, 468  
regulation, cigarette vending machines, 226  
reimbursement by Babcock Coal Company, 349  
removal, Atlantic ave. elevated structure, 349, 376  
rental charged families in housing areas, 332 (by Councilor Chase)  
reorganization of departments, 272  
repairs on motor vehicles, 221  
report on increased departmental efficiency, 484  
requested data from board of assessors, 156  
recession, school committee vote, 469, 470  
retirement of William S. Kenney, 27  
roping off Common for Aleppo Temple field day, 363  
sale of tax title property, 168  
Saturday mornings off for hospital clerical workers, 297 (with Councilor Kelly)  
school committee budget, 296  
solicitation of cases at City hospital, 296  
status, Young's Hotel taxes, 461 (2 orders)  
street changes, Bunker Hill monument section, Charlestown, 219  
taxes on Young's Hotel property (2 orders), 500  
tax titles on Young's Hotel, 296  
temporary permits for taxicabs, 27  
USE: of Ashmont terminal, 86; of land, Dorchester ave., for sand and gravel dump, 349; of Social Law Library by members of Bar, 403; of W. P. A. architects in housing projects, 487 (with Councilor Chase)

Ward 17 plebiscite on liquor question, 86  
water bills, Old Harbor Village, 498  
water leakage, Old Harbor Village, 475  
White fund unit, Dorchester, 218  
W. P. A. project for sidewalks on Morton st., 113  
W. P. A. work in Council Chamber, 90

**Wilson, Robert Gardiner, Jr., Councilor, Ward 17, Con.**

**ordinance:** sale of cigarettes by vending machines, 322, 323

**points of information:**

*re* City hospital nurses, 93  
confirmation of appointments, January 23, 45  
continuation of public hearings on further housing, 350, 351  
Councilor Norton's statement *re* dog track at Hyde Park, 38  
hearing on hospital situation, 219  
loan order recalled from finance committee, 374  
public hearings on Federal Housing, 301, 302  
reports of committees: **APPROPRIATIONS**, 185; **EXECUTIVE**, dog-racing track, 55, 56, 262, 423; **ORDINANCES**, 164  
traffic signals, 483

**points of order:**

confirmation of appointments, January 23, 45  
decision on gas rates, 418  
information from hospital trustees, 138  
opposition to House Bill 2645, 113  
opposition to purchase of Elevated common stock, 115  
reports of committees: **ORDINANCES**, vending machines, 164

**remarks:**

acceptance, land, West Roxbury, 487  
advance notice, welfare visitors' calls, 469  
amendments to building code, 27  
announcement of ward hearings, 304  
appreciation for Council Chamber work, 389  
appropriation, Social Law library, 494  
architects on Federal Housing projects, 494, 495  
architectural services, housing projects, 12  
attendance of doctor in accident ward, 74  
attendant at each field house, 18  
Bill in equity for appointment of Elevated receiver, 316, 317  
Boston Elevated situation, 186, 187  
breakage on horse and dog racing, 375  
cessation of eminent domain proceedings until plebiscite, 315  
city-owned passenger automobiles, 165, 166  
city pay roll, 250  
clearing sidewalks, 156  
commendation of police and fire departments, 120  
commissions on options for Housing Authority, 221  
commissions paid by Boston Housing Authority, 445  
compliance with building law in housing projects, 47  
condemning public statements on pending matters, 33, 34  
conduct of attorneys and doctors at City hospital, 390  
confirmation of appointments, January 23, 45  
continuation of public hearings on further housing, 351  
Councilor Norton's statement *re* dog track at Hyde Park, 37, 38  
**DEMOLITION:** Atlantic ave. loop, 114, 115; Atlantic ave. structure, 204, 205; Atlantic ave. Elevated, 297  
disciplinary measure, City hospital, 445, 446  
disposition of Boston Housing Authority appropriation, 221, 222  
disposition of state check, 165  
dog track petition, 134  
escalators at Northampton st. station and Ashmont terminal, 19  
filing abatement petitions, 189, 190  
final proceedings, 503  
"for sale" signs on tax-title property, 166  
halting demolitions by Housing Authority, 296  
hearings on hospital situation, 219, 220, 221  
independent audit of Elevated books, 205, 206 (letter included in record)

**INFORMATION:** *re* arrests made, 120; Boston Elevated order, 486; *re* City hospital nurses, 92, *re* City hospital, 110, from hospital trustees, 137, 138, 203, 204; *in re* police department, 61, 62, 63, 64; from Housing Authority, 298, 299; 403, 404; from State Housing Authority, 315; *re* tax-title property, 91  
invitation to Republican National convention, 494  
issuance of snow buttons, 61  
loan order for \$1,500,000, 380  
moving families forced to vacate, 297  
naming Monsignor Dolan et., 494  
new edition of "Boston's Streets", 36  
no parking restrictions, Ward 17, 36  
nurses at City hospital, 87  
one day off in seven for policemen, 113, 114  
open-air parking space licenses, 19  
opinion requested on City hospital, 113  
opposition to suggested new taxes, 46  
opposition to purchase of Elevated common stock, 115  
ordinance *re* parking spaces, 47  
parking underneath South Station, 86, 87  
partial abatement on property taken by eminent domain, 390  
payment for copies of *City Record*, 499, 500 (with letters read and inclosed)

**PLEBISCITE:** extension of Federal Housing projects, Boston, 404, Federal Housing, Boston, 444, 445, housing projects, 303  
posting laws *re* illegal voting, 419  
prison industry fund appropriation, 161  
protection against slander of candidates, 476  
provision for nurses contracting illness, 475, 476  
public hearing on budget for taxpayers, 206, 207  
recreation area, Dorchester High School for Girls, 468 (inclosures)  
reimbursement by Babcock Coal Company, 349  
removal, Atlantic ave. Elevated structure, 349, 350, 364, 376

**Wilson, Robert Gardiner, Jr., Councilor, Ward 17, Con.****remarks:**

reports of committees: **APPROPRIATION**, 185; **EXECUTIVE**, 95; dog racing track, 54, 55 (item from Boston *Post* inclosed), 56; vending machines, 167, 224, 246, 247, 318, 319, 320, 376, 377, 422, 423, 424, 477, 478, 479, 482, 501; **JITNEY LICENSES**, 117, 118; **ORDINANCES**, vending machines, 162, 163, 164, 185; **PRISONS**, 492  
sale of tax-title property, 168  
seventh ballot for Council President, 20  
solicitation of cases at City hospital, 296  
status, Young's Hotel taxes, 461  
substitute bill for removal of Elevated structure, 317  
survey committee appropriation, 47  
tax titles on Young's Hotel, 296, 297  
taxes on Young's Hotel property, 500  
temporary permits for taxicabs, 27  
**USE OR:** Ashmont terminal, 86; Social Law Library by members of Bar, 403; W. P. A. architects in housing projects, 487, 488  
veto of vending machine ordinance, 279  
Ward 17 plebiscite on liquor question, 86  
water leakage, Old Harbor Village, 475  
White Fund unit, Dorchester, 218  
W. P. A. work in Council Chamber, 90

**resolutions:**

commendation of Boston Congressmen for action on Dies Committee, 60 (with Councilor Chase)  
continuation, work of Dies Committee, 476 (with Councilor Chase)  
demolition, Atlantic avenue loop, 114  
Division of Citizenship in Education Department, 86  
investigation of radical movements, 74 (with Councilor Chase)  
**OPPOSITION:** to House Bill 2645 (2 resolves), 113; to purchase of Elevated common stock, 115; to Social Security Act amendments, 137  
pension to Thomas G. Supple, 11  
pension for policeman Henry F. Hogan, 11  
substitute bill for removal of Elevated structure, 317

**roll call request:**

continuation of public hearings on further housing, 351  
dog track petition, 134

**statements:**

Councilor Norton's position on dog track, 31, 32, 33  
increase of Summer tunnel tolls, 249

**unanimous consents:**

continuation of public hearings on further housing, 350, 351  
correction in "plebiscite speech" of October 23, 455  
removal, Atlantic ave. structure, 364  
resolution on lottery, 363

**vote doubts:**

adjournment, 323  
continuation of public hearings on further housing, 351  
reports of committees: **EXECUTIVE**, 479

**withdrawal of motion:** confirmation of appointments, January 23, 45

**Wood and Bark**

**measurers:** Ratigan, John H., 381-395

**Works Progress Administration****ACCEPT, LAY OUT:**

Alleghany st., Ward 10, order under highway construction plan, passed, 119  
Ansonia rd., Ward 20, order passed, 448  
Austin ave. and Annapolis st., order passed, 410, 411  
Chellman st., Ward 20, order passed, 391  
Codman sq., Ward 11, from south end of present Codman pk., order passed, 275  
Cottage st., Ward 20, order passed, 470  
Cushing st., Ward 20, order passed, 404, 470  
Davidson ave., Ward 15, order passed, 264  
Emmons rd., Temple ter., Sunset Hill path, order passed, 222  
Letterline ter., Ward 13, order passed, 300  
Richfield pk., Ward 15, order, as project, passed, 188  
Robinson pl., order passed, 343  
Ward 19 streets, Northbourne rd. and Starr lane, order passed, 225  
Ward 19 streets, Pond st., from Centre st. to Jamaica way, order passed, 225  
Warren sq., Ward 19, order passed, 300  
Welton rd., Ward 20, order passed, 351  
Wendover st., order passed, 471  
Whitby ter., Ward 13, order passed, 449  
Woodcliff st., at Cunningham st., end, order passed, 332; as W. P. A. project, 500

**ADDITIONAL FUNDS FOR ACTIVITIES:** resolution favoring new and substantial sources of income to prevent further and higher taxes on real estate, referred to executive committee, 361—referred to rules committee, 366

**AIR-COMPRESSION HAMMERING:** on Huntington ave. subway work to cease at 10 p. m., 87—message, communication, 102

## Works Progress Administration, Continued

ARCHITECTS OF W. P. A.: Boston Housing Authority to make use of W. P. A. facilities on projects, order referred to executive committee, 487, 488

BARRIER ON MUDDY RIVER: survey for erection of suitable barrier for protection of children, order passed, 73, 74

BARRY PLAYGROUND: improvements, shower and locker buildings, order passed, 454—message, communication, 459

BASEBALL DIAMOND, FRANKLIN PK.: park commission to propose project, order passed, 199

BEACH IN CHARLESTOWN: project to establish from Chelsea to Mystic sts. for tenants of Charlestown housing unit, order passed, 275, 276

BETTERMENT ASSESSMENT: on adjacent property incident to street construction, pages 330, 331, 1938 Proceedings—report filed, 15, 16

BINDER USED CONSTRUCTION: survey by public works commissioner of all streets constructed by W. P. A. to prevent deterioration within one year, order passed, 121—message, communication, 267

BRANCH LIBRARY, WARD 20: abandoned school at Washington and Stimson sts., order passed, 65

BUTTER ON COMMODITY LIST OF WORKERS: and welfare recipient rolls, order passed, 162  
rancid butter distribution, 332—message, communication, 353, 354

CAR RESERVATIONS: Park and transit commissions to sponsor project for Huntington ave. grass-plotted safety islands, order passed, 420

CLEANING LINCOLN STATUE: in Park sq., order as project passed, 263—message, communication, 305

CONSTRUCTION, LA ROSE PL., WARD 21: as a W. P. A. project, order passed, 222

CONSTRUCTION, WARD 20 STREETS: where sewer work has been completed, order passed, 155—message, communication, 195

CONTINUATION OF ACTIVITIES: resolution memorializing Congress against recent action of cutting \$150,000,000 from appropriation, referred to rules committee, 46—passed, 79

COUNCIL CHAMBER REPAIRS: information as to approximate date when work will start, order passed, 90

DATA, PERSONS ON ROLLS: number on rolls, May 1 and number dropped on Washington instructions, order passed, 272

DISCHARGE OF EMPLOYEES: for not being sponsored by executive officer or as result of reduction in quota, W. P. A. form 403, order passed, 264

DRAINING MUDDY RIVER: with W. P. A. labor since the death of three boys, order passed, 225

FACILITIES FOR USE OF RECIPIENTS: order to arrange for use during inclement weather, passed, 404

FRANKLIN PARK BENCHES: repairing old and erecting new as Federal project, order passed, 363—message, communication, 368

FRANKLIN PARK ENTRANCE: sidewalk construction, order passed, 218

FUEL FOR NEEDY: order for supply to workers passed, 430—message, communication, 458

FURLOUGH POSTPONEMENT: request President Roosevelt to issue executive order to postpone until after New Years and to stop discrimination against single men and women (2 orders), 493

HOSPITAL INFORMATION: number of persons on rolls, order passed, 220, 221

INCREASING QUOTA: confer with administrators to effect increase, order passed, 432, 433—message, communication, 437

LAY-OFFS: confer with local W. P. A. officials re widows and single women with no means of support, order passed, 265

MUNICIPAL BUILDING, WEST ROXBURY: order to consider erecting passed, 248

NON-SUPPORT PROCEEDINGS: welfare employees not to advise proceedings unless justified by thorough investigation, order referred to executive committee with requested attendance of trustees at meeting, 25, 26

NORFOLK ST. PLAYGROUND: erection of grandstand, order passed, 418

PAY DAY CHANGE: emergency assistance for those assigned from welfare rolls because of change in date of payment, order passed, 119—message, communication, 142, 143

PROTEST OF RELIEF CUT: preambles and resolutions that cutting \$150,000,000 is dire threat to economic welfare, Council favors granting \$150,000,000 for maintenance of W. P. A. activities and resolves to send copy of resolutions to Massachusetts delegation in Congress, resolutions passed, 139

REDUCTION OF EMPLOYMENT: adequacy of present welfare force to care for additional applicants caused by less W. P. A. employment, order passed, 362

## Works Progress Administration, Continued

REPAIR AND CONSTRUCT, FAYSTON ST.: in Dorchester, order passed, 378

REPAIRS TO ADJACENT BUILDINGS DURING DEMOLITION under Federal plan of construction, order for protection of owners and tenants passed, 218

REPAVING:  
Church st., Ward 15, order passed, 272  
New Heath st., Ward 10, order passed, 388  
Temple st., Ward 20, order passed, 378

RESURFACING:  
Batchelder and Leyland sts., order passed, 433  
Brewer and Paul Gore sts., Ward 19, order passed, 191  
Brookford st., Ward 13, order passed, 222  
WARD 22 STREETS: Alcott, Bradbuiy, Hano, Myrick sts. and Blaine ave., order passed, 223  
Codman Hill st., Ward 11, order passed, 347  
Cushing ave., Ward 13, order passed, 402  
Dorchester ave., Ward 16, order passed, 487  
Ellery st., Ward 7, order passed, 424  
Elton and Victor sts., Ward 13, order page 423, 1938 Proceedings—message, communication, 29  
Evergreen st., Ward 10, order passed, 263  
Gilbert st., Ward 18, order passed, 404  
Green st., Ward 19, order passed, 121—message, communication, 158, 159  
Longfellow, Norton, Speedwell and Stonehurst sts., Ward 15, order passed, 419  
Neponset ave., Roslindale, order passed, 121  
Paul Gore st., Ward 19: order passed, 322  
Rosemary st., Ward 11: order passed, 330—message, communication, 371  
Savin Hill ave., Ward 13, from Dorchester ave. to bridge, order passed, 136—message, communication, 172  
Spring Garden st., Ward 13: order passed, 347  
Telford st., Ward 22, order passed, 28  
Tremont st., Ward 9: order for, under W. P. A. project item, passed, 248  
Upham ave., Ward 13: from Cushing ave. to Hancock st., order passed, 402  
Walden st., Ward 10, order passed, 165  
(3) Ward 10 streets, Cherokee, Mansur, Minden sts., order passed, 60—message, communication, 174  
(12) Ward 13 streets, order passed, 207  
Ward 13, Woodward Park and Ingleside sts., order passed, 300  
West Sixth st., Wards 6 and 7: order passed, 424  
Whitby st., Ward 1: in East Boston, order passed, 388

SHOWERS IN SCHOOL YARDS: used as playgrounds, order for installation, passed, 331

SIDEWALKS ORDERS:  
Cass and Tappan sts., Ward 20, order passed, 137—message, communication, 195  
Chesbrough rd., Birchwood and Baker sts., order passed, 418  
Chestnut ave., Ward 10: order passed, 377  
Chestnut ave.: from Green to Forbes sts., order passed, 300  
Cushing ave., Ward 13: order, at 10, 12 Jerome st. and 35 Cushing ave., passed, 402  
Dove and Jerome sts., Ward 13, order passed, 208  
Elmont st., Ward 14, order passed, 161  
Gallivan blvd., both sides, from Neponset circle to Woodfield st., Ward 16, order passed, 25  
Hawthorne st., Ward 19, order to install from Florence to Sycamore st., passed, 191  
Hawthorne st., Ward 19: order passed, 454  
South Walter and South View sts., Ward 20, order passed, 155—message, communication, 196  
Various Streets, Ward 20, 336  
WARD 20: Bellevue, Linnet sts., March ave., Oriole, Vermont sts., under W. P. A., order passed, 275  
Washington st., Ward 19, from Archdale rd. to Roslindale sq., order passed, 19  
Ward 11 improvements, orders passed, 155  
Ward 20 on Brookfield, Hamilton and Maple sts., passed, 168  
Wren st., West Roxbury, Ward 20, on both sides, order passed, 192  
Wyman st., Ward 10: order passed, 454

SWIMMING POOL, FRANKLIN PK.: order to secure project, passed, 346, 347

WARD 16 MUNICIPAL STADIUM: order to erect on Neponset playground, passed, 25

WARD 19 IMPROVEMENTS: May st. sidewalk, righthand side, from Centre to Pond sts., 225—message, communication, 336

WEST ROXBURY VETERANS' HOSPITAL: order for immediate razing of buildings, passed, 80

WORCESTER SQUARE, WARD 8: cement walks in reservation, order passed, 447

## W. P. A., Surplus Commodities Division

order with conference of public welfare and school committees to transfer location of station from Hampden and Eustis sts. to George st. schoolhouse, passed, 362



**World War Veterans Memorial**

**cemetery fund:** *see* White (George Robert) Fund, cemetery fund *or* pages 248, 285, 286

**X-Ray Films**

4,365 lbs of obsolete films sold after inviting bids, order referred to executive committee, 124-passed, 141

**Young's Hotel Property**

**communication from the Mayor:** *in re* orders, pages 461, 462, communication desired from the Mayor, order passed, 500

**foreclosure proceedings:** law department to proceed at once and take over property for back taxes, order passed, 243, 244

**Young's Hotel Property, Continued**

**occupy as soon as possible:** law department, licensing board, medical examiner, finance commission and W. P. A. headquarters, order passed, 244

**renting hotel in lieu of taxes:** reason for arrangement for renting rather than foreclosure for non-payment of taxes, order passed, 365

**status of taxes:** under two heads, Mayor to advise Council amount, including interest due (2 orders), 461-passed, 462

**status of taxes since 1934:** law department to report condition of tax situation, order passed, 296, 297-message, communication, 335

**Youth Center, Franklin Park**

under W. P. A. grant, order for erection, passed, 432 in 1938 Proceedings-message and report, 15

**Zoning Adjustment Board**

message and order for transfer \$1,500 from contingent fund to board, referred to executive committee, 359







## CITY OF BOSTON.

## Proceedings of City Council.

Tuesday, January 3, 1939.

The first meeting of the City Council for 1939 was called to order in Faneuil Hall by Senior Member, Councilor Henry L. Shattuck, at 2 p. m. All the members of the Council were present.

Chairman SHATTUCK—The first business before the Council is to hear the annual message of Mayor Tobin. The Chair will appoint as a committee to escort his Honor the Mayor to the platform Councilors Irwin and Taylor.

The committee retired and returned at 2:10 p. m., escorting his Honor Mayor Maurice J. Tobin to the platform.

Chairman SHATTUCK—I now have the honor of presenting his Honor the Mayor. (Applause.)

## MESSAGE OF HONORABLE MAURICE J. TOBIN.

Mayor TOBIN—Councilor Shattuck, City Clerk, and honored members of the Boston City Council, the year just closed has been a year of municipal progress, measured by the standards ordinarily applied to city government.

The city's essential services to its citizens have been maintained and improved. In every direction we have striven to make every dollar of receipts earn its full value, and more. The public health, hospitalization, fire and police protection, education and all the other manifold requirements expected of the city government have been met in full measure. They will be referred to in greater detail later on in this my first annual message to the Council since I took office as Mayor of Boston a year ago.

No message, however, can be adequate at this time without reference to and emphasis upon more intangible benefits and more important blessings that we are prone to forget. We are each and every one of us not only citizens of a city rich in traditions and dear in its memories to all of us, but we are also citizens of the Commonwealth and of the Nation as well. No action in the world today, no event or happening in the Nation or in the State, but has its repercussions upon each of us and upon those who are nearest and dearest to us. At no time, not even in the anxious years preceding the World War, was the world scene so confused and uncertain, or so pregnant in its possibilities of danger to our country, to our form of government and to the every-day accepted principles by which we live. Across the oceans, to the east and to the west of us, the nations of the world are in unrest; the forces of militarism and dictatorship are on the march. Almost alone we uphold the principles of democracy, by which every citizen shares with his vote in the selection of those who shall govern him and no man by sheer force of brute power, may impose his will on the people.

We may take pride, you members of the City Council and I as Chief Executive, that here in this city those vital fires of democracy have not been quenched. We still form part of a proud and independent body of men and women who value their liberty as the greatest of their possessions. Under the leadership of our President we have not only remained free from foreign entanglements but we have maintained and strengthened the position of our country among the nations of the earth. The prestige of the great office of our Chief Executive exerted at the psychological moment helped to sway the balance in favor of peace against the horrors of another war. The opportunities for friendly trade and the peaceful exchange of products have been fostered by the policies of the national administration. The oppression and persecution of defenseless people have not had their counterpart on this side of the water. Occasional tendencies toward the ruthless domination of minorities, outside and beyond the law, which have manifested themselves in other localities have not had the slightest opportunity to develop here. In the City of Boston we are still a happy family, living together, pursuing our daily tasks together in happiness and in

peace regardless of race, color or creed. Here in Boston there is no room for prejudice. In that fact alone we may take pride and hope for the future. While I am Mayor of this city I shall spare no effort to preserve untouched the essential liberties which here had their birth. Freedom of speech, freedom of assemblage and freedom to worship the God of one's choice are safe in our hands. We have ample reasons to be happy that we live under the flag of true freedom and liberty, and we have ample cause to pray to Divine Providence that his hand will continue to guide our country along the course of safety and security in years to come.

Our country has not, however, been immune from the great economic upheaval which commenced about ten years ago and which has caused so much human misery and suffering. The long continued depression has had its effect on almost every phase of our modern American life. Every branch and agency of the government, national, state and municipal, has been vitally affected; so much so indeed, that there has been a virtual transformation in the accepted conception of what should be expected of government. Our own City of Boston, as a government unit, is today struggling under burdens which are creations of an economic system that suddenly went askew.

In the brief period that I have been Mayor of this city, there has been no marked change in the general economic position of our country. There have been no favorable occurrences which would operate to make the administration of the city's business any less difficult than when I took office; and yet, in this annual report to your Honorable Body and to the people of my city, I wish to state that, if there is one achievement or accomplishment to which I might point with pride, it is the fact that the downward momentum of our city government has been halted, and the gears have been reversed. I have hopes that our city is on the road that will eventually lead us to financial security and stability.

I promised no miracles when I took over the office of Mayor and I have sought to perform no miracles. The progress made during the past year has been sound progress. What we have done in the twelve months that have gone and what we hope to do in the years immediately ahead is to give to each serious problem and each disturbing factor the unstinted effort and the honest purpose which will bring the reward of better, more stable, and more economical government in our city.

The conditions which confronted our city when our administration took office and which still confront it, make progress in the right direction necessarily slow and tedious. It's a quick ride down the toboggan chute, but it's a long walk back. We have begun to take that long walk back and I trust that before the end of our administration we will have covered much of the lost ground.

In a report of this character it is manifestly impossible to discuss all of the matters which affect the conduct and operation of our city government, and it is not my intention to do so.

One fact stands out, however, above all else. We cannot meet the problems of the depression, we cannot feed the starving, house the homeless, and administer to the sick without money in the till of the treasury. Money in the treasury depends on just one thing—confidence. Confidence of investors in the city's ability to meet its obligations, and confidence of the taxpayers that our administration is doing all in its power to reduce the burden on their tired backs.

If we, as responsible officials of the city government, permit a financial situation to arise without doing everything within our power to prevent it, a condition that would endanger the hopes of those who rely upon us to provide them with the simple necessities of life, then we would be derelict in our duty as public officials and failures by every rule of humanity. It is for that reason that I want to discuss more than just briefly the financial situation of the city, for this is the axle upon which the whole city government revolves and under its broad head come factors that have a definite bearing on the future of our city.

## Finance.

One year ago I stated in my inaugural address that the one vital and outstanding problem confronting my administration was the financial condition of the city. During the year that has just closed, every action taken by me involving

the finances of the city has had for its ultimate objective the improvement and strengthening of the city's finances and credit. I feel at this time it will be of interest to you to hear a brief recital of the progress that has been made toward this objective.

When the accounts of the city were closed one year ago, it was apparent that from a maintenance or operating point of view total expenditures were \$3,850,676.84 in excess of cash receipts from all sources. This excess when added to similar deficits occurring since 1931 resulted in a cumulative operating deficit of \$22,863,556.29, the financing of which made necessary the issuance in the closing days of 1937 of \$23,000,000 in temporary notes payable in the year 1938.

While exact figures for 1938 are not yet available it appears that the year's operating statement when finally compiled will indicate that cash receipts from all sources will be in excess of expenditures by, roughly, \$9,500,000, and that the cumulative cash deficit at the end of 1938 will be in the neighborhood of \$13,300,000. This represents a reduction of 42 per cent from the deficit existing at the close of 1937. Admittedly the proceeds from the funding loan authorized under the provisions of chapter 235 of the Acts of 1938, and the use, as provided in the Funding Loan Act, of tax title borrowings from the Commonwealth for the sole purpose of paying outstanding temporary loans have been important factors in bringing about this substantial reduction in the short term debt of the city. Since this legislation was sponsored by the city, I feel justified in stressing the fact that definite progress towards a sounder financial standing has resulted from its enactment.

Another factor which has contributed to the improved financial position of the city has been the improvement in tax collections. It now appears as though 77.4 per cent of the 1938 tax levy was collected on or before the close of the year. This compares with collections of 72.3 per cent in the year 1937, and is the best collection record to be achieved by the city since 1931. Undoubtedly legislation enacted this year, at the request of the city, requiring payment of taxes as a condition precedent to the filing of abatement petitions, has been responsible in a large measure for the improvement in collections. Over and beyond this factor, however, would appear to be the existence of a greater spirit of confidence on the part of the taxpayers in the objectives and accomplishments of the current administration.

During the past four years the Water Division of the Public Works Department has been operated at a loss, since in each year expenditures have been in excess of receipts. It is now evident that in 1938 this division was operated at a profit with the result that a substantial surplus will be carried forward into 1939. Revision in meter reading methods, changes in billing procedure, and concerted action on the collection of delinquent accounts are measures which have contributed to the placing of the Water Division on a self-supporting basis, and makes unnecessary the increase in water rates I predicted early last year.

Principally because of the \$7,000,000 bond issue authorized under the so-called Funding Act, the net funded debt of the city at the close of 1938 reflects an increase of \$2,850,000 over the net funded debt at the close of 1937. If the funding loan had not been issued a reduction of over \$4,000,000 in the net funded debt would have been evident. The increase of 2.2 per cent which has taken place is not alarming, first, because the net funded debt of the city is relatively low in comparison with that of the other large cities of the country, and second, because of the fact that this slight increase has made possible a substantial reduction in the short term debt of the city, which at the close of 1937 stood at an abnormally high figure.

The total of the maintenance budget for city departments submitted to your Honorable Body early in 1938 was \$608,094.71 less than the total of departmental allowances in the 1937 budget, and was \$44,469.77 less than actual departmental expenditures in the same year. These reductions were secured despite the necessity of providing within the budget appropriations totaling \$1,200,000 to meet inherited obligations and charges of an emergency nature. The Finance Commission in a letter to the City Council under date of May 2, 1938, commented on the 1938 budget as follows:

"With respect to the allotments of the departments recommended by the Mayor, the Commission desires to be recorded as of the opinion that the Mayor has for the most part reduced allowances as far as it can safely be done without curtailment of services to which the public has become accustomed. . . . Unless there is exercise of the greatest economy in expenditures in many cases in the remaining months, it is doubtful if there will be funds enough to go around, and the long threatened payless pay days may arrive. In conclusion, the Finance Commission desires to record its opinion that the appropriations now before you are the minimum requirements for the operation of the city departments as presently organized."

I am pleased to report that despite this opinion of the Finance Commission, which should be considered a competent authority, the city had no payless pay days and due to careful economy in all departments we will have an unexpended balance of over \$200,000.

In the closing month of 1938 temporary notes issued by the city in connection with the end-of-the-year financing bore the lowest interest rates at which money has been borrowed by the city during its entire corporate existence. No more salutary evidence could be given, in my opinion, of the improvement in Boston's credit standing.

Despite these definite accomplishments the financial problems of the city still remain pressing and acute. Forces entirely beyond the control of city officials seem certain to impose additional burdens on the city's tax structure, and make necessary a further increase in its already staggering tax rate. From statements emanating from responsible state officials it would appear that unless the state authorities put an end to the practice of levying the annual deficiency in the state budget on real estate in the cities and towns, that a state tax of \$24,000,000 will be levied in Massachusetts in 1939. In addition, cities and towns must provide in their 1939 tax levies for the \$9,000,000 increase voted in the closing hours of the 1938 legislative session over and beyond the original state tax estimate of \$8,000,000. From present indications, therefore, it would appear that Massachusetts cities and towns face the possibility of financing in their 1939 tax levies a state deficit in the staggering total of \$33,000,000. Real estate in Boston would be assessed \$5 per thousand in the event of such a levy, \$3.80 more than the state assessment of 1938. Without consideration of any other factors this one item alone would increase Boston's tax rate from \$41.30 to \$45.10.

For nine long years Massachusetts municipalities have been struggling with the financial problems and burdens imposed on them by the vast and unprecedented upheaval and disturbance that has taken place in the economic system of the world. To date, municipal solvency has been maintained, but the moot question at the present moment is whether municipalities can continue to function under a system which requires them to bear practically the entire burden of depression costs, and the growing annual state deficits.

An analysis of the changes which have taken place in municipal finance since the beginning of the depression is bound to leave the impression that we are operating under an obsolete and out-moded system. Every one is familiar with the abnormal increase that has taken place during this period in municipal tax rates. Unfortunately, public interest and concern over this feature is confined solely to the extent of the increase. Little attention has been given to the causes and reasons underlying the upward movement in tax rates. Blame and censure from a tax-conscious public has been almost universally confined to the alleged shortcomings of municipal administration. Reduction in municipal expenditures has been the common remedy prescribed as the panacea for the ills that prevail. The proponents of this remedy overlook entirely the fact that expenditures over which municipalities have absolute control have been sharply reduced during the past nine years. Unfortunately, this feature is but a minor element in the entire problem, and the accomplishments in this respect have been completely offset by elements of a major nature that have been outside the control of municipal officials. To illustrate this point, let us make a few comparisons between the tax structure of Boston as it existed in 1930, the first year of the depression, and as it exists today.

(Appended to this address are tables which have been prepared from the official records of the city.)

The tax rate of the city has increased during this period from \$30.80 to \$41.30, an increase of 34 per cent. Practically the entire increase, however, may be attributed to the loss in valuations which has taken place during the period under discussion. The reduction of \$422,000,000 which has been made during the nine years represents a decline of twenty-one and four tenths per cent from the 1930 valuations of the city. If this decline had not taken place the present tax rate of \$41.30 would be reduced by \$9.50 and the city's rate would only be one dollar in excess of that declared in 1930. City officials have been powerless to prevent this decline and no attempt has been made by appropriate action or legislation to compensate for this drastic revulsion in the city's revenue structure.

Another major element in the problem under discussion, which is entirely beyond the control of city officials, is the unfavorable change which has taken place in the annual exchange of checks between the Commonwealth and the City. This exchange which takes place annually on November 20 involves the payment to the City by the State of the city's share of the income and corporation tax, and the payment by the City to the State of its share of the state tax and miscellaneous state assessments. In 1930 the city "made money" on the exchange, but in 1938 it "lost money." The 1938 settlement represented a loss of \$8,200,000 to the city when compared with the condition in 1930. In terms of the tax rate this uncontrollable loss has established a mandatory increase of five dollars.

Since 1933 the city has been empowered by legislative authority to borrow money to finance in part the heavy burden of unemployment relief. While this expedient has served to reduce the tax rate it has necessarily increased the debt service charges of the city. In six years serial loans totaling \$28,232,000 have been issued. In view of these heavy issues it is only natural to find that debt service charges in nine years have increased 50 per cent, with a resultant increase in the tax rate of two dollars and fifty cents.

During the past nine years four city departments have borne the burden of ministering to human want and suffering. The expenditures of these departments plus the contributions by city departments to Federal emergency relief projects have resulted in increased expenditures totaling \$9,250,000. In 1938, roughly, 50 per cent of this increased burden was raised by borrowings, so that the actual effect on this year's tax rate may be said to be a net increase of three dollars.

I have previously stated that municipalities have reduced wherever possible expenditures over which they have complete control. This statement is supported by the table appearing at the end of this address, where it is shown that the regular expenditures of thirty-seven departments under the direct control of the Mayor reflect a reduction in nine years of almost \$4,000,000. In no sense do I claim credit for this entire reduction. It has been achieved gradually during the entire period. Roughly, two dollars and fifty cents has been saved in the tax rate through these savings.

Revenue receipts during the past nine years have increased \$7,500,000 or, roughly, 150 per cent. This increase is attributable, first, to the policy of borrowing for relief purposes, second, because of the natural increase in relief reimbursements from the Commonwealth, and, finally, because of receipts from liquor licenses, resulting since the repeal of prohibition. Aside from these three items, the ordinary revenues of city and county departments reflect a decrease. The increase in revenues from all sources is equivalent to a tax rate saving of four dollars and seventy cents.

From the foregoing it is evident that losses in assessed valuations, the unfavorable development in the annual exchange with the Commonwealth, expanded debt service charges and increased welfare and relief costs are charges amounting to \$20 in the tax rate that have been added since 1930. Fortunately, reduction in city regular departmental maintenance and in increase in revenues applicable to maintenance costs have softened the effect of this gross increase by seven dollars and twenty cents. Other factors of a miscellaneous nature have further offset the gross

increase with the result that between 1930 and 1938 a net increase of ten dollars and fifty cents has occurred.

A review of the picture which has been presented in the foregoing paragraphs clearly indicates that during the hectic happenings of the past nine years the cities at all times have been obliged to go on their own. The question naturally arises, Can we continue to fight on our own what appears from the record of the past nine years to be a losing battle? Municipalities are creatures of the state. Their sources of revenue are specifically limited by legislative mandate. They cannot establish new sources of revenue without appropriate legislative authority. The general property tax forms the backbone of the municipal revenue system. In Boston approximately 75 per cent of the city's total revenue is secured from taxes levied on the owners of real and personal property.

The state's revenue system is much more flexible than that of cities and towns because it can utilize more revenue sources. Under the present system of levying upon cities and towns for the deficiency between general fund appropriations and estimated ordinary revenues, there is little incentive for the Legislature to make use of its broad and general revenue powers. The additional cost incident to the establishment of new functions or the expansion of old ones can be readily shifted to the cities and towns by the simple expedient of increasing the state tax. When this is done an additional burden is imposed upon property owners.

The general property tax should be reserved for the sole use of municipalities. They should not be required to share the returns of this tax with the Commonwealth. The state possesses the power to establish itself as a self-contained financial unit. The forthcoming session of the Legislature holds the answer to the future hopes of municipal government. I sincerely trust that action of a constructive nature may be taken in 1939 which will assure positive financial relief to cities and towns, and will establish the responsibility of the state as a participant and contributor to the financial burdens which to date have rested their full weight upon the shoulders of Massachusetts municipalities. Unless such action is taken in 1939 it would appear that a general increase in municipal tax rates is unavoidable and that relief for the already overburdened property owner is further postponed.

#### CITY AND STATE RELATIONS.

Except for the lack of any action to meet the long overdue problem of broadening the tax base and providing other revenues than the real property tax for dealing with the welfare load of the depression, the first year of our administration was noteworthy for the sympathetic cooperation of the Legislature with our legislative program. In general, it seemed clear that the members of the General Court recognized our difficulties, and with full appreciation of our needs, and confidence in the sincerity of our intentions to face them squarely and honestly, gave us every assistance in overcoming them. I express my deep appreciation of that cooperation in the past year, and the hope and expectation of a similar understanding spirit in the future.

Among the important pieces of financial legislation enacted on my petition were the Funding Bill, so called; the bill relative to payment of taxes before appeal to the Appellate Tax Board; and the bill putting teeth in the automobile excise tax law. The purpose of the Funding Bill was to refund overlay deficits which had been accumulating on the books of the city for the past several years and to remove from the city's balance sheet other doubtful items, such as uncollectible poll taxes, etc., which were carried on the books of the city as assets. The bill as enacted on my recommendation contains provision for 4 per cent overlay annually to take care of abatements, an amount twice as large as that previously provided, and which should be sufficient to cover abatements granted during my administration.

The effect of the bill to require payment of taxes before appeal to the Appellate Tax Board is best measured by the fact that during the year 1938 we have collected \$56,000,000 in real property taxes as compared with about forty-eight and one-half million dollars for 1937. This act, chapter 478 of the current year, requires in the case of a real estate tax over one thousand dollars,

the payment of the tax in full before appeal, or at least 50 per cent of the tax bill accompanied by proof of inability to pay the balance. This law has put an end to the practice of withholding payment for the sole purpose of exerting pressure on the city for a favorable settlement, because of the city's financial needs.

The automobile excise tax law, chapter 492 of this year, requires the Registrar of Motor Vehicles to revoke a registration unless proof is submitted of payment of the tax. Its effectiveness is revealed in the Collection Department which reports collections of \$180,000 of current years taxes, in excess of collections for the year 1937, an improvement of better than 20 per cent.

A real beginning has been made during the year to examine the burdens that Boston bears in providing services that more properly should be paid for by the people of the Metropolitan Area or of the State as a whole. Three recess commissions are established and will report to the General Court early in the year, one on a general study of Metropolitan Functions and Activities, one on the Airport, and the third on the Summer Traffic Tunnel. The Airport has become at least a State if not a Federal function; and the Traffic Tunnel has proved itself an essential link in the highway system of the Commonwealth, shown conclusively by traffic counts to be a convenience used overwhelmingly by inhabitants of communities other than Boston. Much may be hoped from their reports soon to be submitted to the General Court. Other recess commissions are studying and will report on the water and sewer problems of the Metropolitan District in which Boston is vitally concerned by reason of our large share in the cost of these services.

In the matter of water supply, the Legislature at our suggestion amended pending proposals for large expenditure and consequent heavy burden on our water rate payers, so as to provide for the use of P. W. A. funds, and also to postpone the first serial payments on bonds issued under the act for five years from the date of issue. Thus Boston will be assured during my administration of an abundant supply of the purest water in the country at no extra present cost to the water users of the city. At the end of five years it is anticipated that the peak of heavy interest and principal payments on prior debt will be passed.

Mention should also be made of the enactment of legislation designed to improve the collection of taxes, a law to permit the appointment of a custodian for the better management, control and disposition of foreclosed property, and a bill to increase the number of the Board of Assessors.

#### Highway Fund.

An expert on public finance, Professor A. G. Buehler, points out in a recent work that, for the ten-year period ending in 1932, "The various special taxes on automobiles provided \$7,312,500,000 as compared with total expenditures on the construction and maintenance of streets and highways of \$16,587,000,000. Automobile taxes, therefore, have fallen far short of covering street and highway costs." The balance has, in the rest of the country as here, fallen on the real estate owners and the rent payers of the land.

The New York State Tax Commission in 1935, after stating that cities and villages were receiving no help at all from the state for highway purposes, said in their report: "This arrangement seems grossly unfair. The increasing use of automobiles has added tremendously to the cost of city government. The cities have been forced to open up new streets, widen and improve old ones, install traffic lights, and maintain a force of traffic policemen as a result of the advent of the automobile."

What seemed "Grossly unfair" in New York is doubly unfair in this state as relates to the City of Boston. The capital city of the Commonwealth has received no assistance from the Highway Fund to meet its large expenditures for the construction and maintenance of city streets. Even when there has been distribution to other cities and towns from the Highway Fund, the state has been an Indian-giver; it has given with one hand and taken back with the other in the shape of an addition to the state tax of the same amount. Distribution of a fixed percentage, say one-third of the Highway Fund, annually to cities and towns would be a wise permanent policy; for actually more money is spent on roads and streets by the cities and towns of the state in the course of a year than is spent by the State Public Works Department on all state and local highways. A recent authorita-

tive survey by the Commission on Conflicting Taxation showed that "Half the gas taxes are collected on fuel burned within city limits." Clearly an unanswerable case is made out for a fairer treatment of Boston, and other cities, too, in the future. Diversion of the gas tax into the general treasury of the state to establish a fictitious state tax; or its equivalent, distribution to cities and towns and the concurrent assessment of the same amount to be paid by real property, should no longer be permitted to add to the burdens of the real estate taxpayers.

Last year Boston petitioned for distribution of a portion of the Highway Fund. Late in the session a distribution of \$5,000,000 was ordered by the Legislature and under the terms of the act it was commonly believed that the amount received by cities and towns could be retained in the treasury and used in 1939 to meet local appropriations for highway purposes. The Attorney-General, however, has ruled that it may not be so used. I therefore propose, in concert with other Mayors, to petition for legislation to clarify the law and enable Boston's share, amounting to \$1,194,300, to be used in 1939 for street and highway purposes under the jurisdiction of our Public Works Department. In the face of the staggering burden facing us in 1939, no other use of this money can be justified.

Another bill, passed by both branches, but unfortunately vetoed by the Governor, would have relieved the Metropolitan District, of which Boston pays more than half the expenses, of approximately \$1,000,000 for maintenance of highways under the jurisdiction of the District Commission. Certain boulevards have their entire maintenance cost paid for out of the Highway Fund; others, by pure historical accident not termed "Boulevards," have their maintenance cost paid by the home owners and real estate taxpayers of the district. A highway is a highway, by whatever name it may be called, and the State Highway Fund should properly be called on to finance the maintenance of all highways of the Metropolitan District as part of the highway system of the state. I have every reason to believe that the recess commission will report a bill similar to that of last year. I hope they may go further, and recommend legislation to adopt a permanent policy by which a fixed percentage of the Highway Fund would be allotted annually to the Metropolitan District for expenditure, subject to appropriation, on the construction, reconstruction, maintenance and repair of all automobile roads in the district. Such a policy, if adopted, should also provide for an allocation of a fair share of such a fund for use on highways and boulevards within the city limits.

#### Real Estate Valuations.

Let us consider for a moment the situation with respect to real estate valuations in our city, keeping in mind that from real estate the city obtains by far the major proportion of the revenues needed to operate our municipality.

The loss of income to our city because of the tremendous decrease in valuations, I have referred to previously, has not been compensated by replacement in the form of new building construction or by any other new source of revenue. Consequently, the constant rise in the tax rate has been inevitable.

Until it is possible to obtain new and substantial sources of revenue, this continued drop in real estate valuations will remain as serious a matter as it is now. Somewhere there must be a bottom beyond which valuations cannot recede. Apparently, we have not yet hit that bottom. At the present time there are over seven thousand appeals for abatements pending before the Appellate Tax Board, and over double that number pending before the Boston Board of Assessors. Properties that were reduced in valuation in recent years have come back again for still further reductions. The endless chain is running and the direction is ever downward.

We must, in all justice, grant abatements in cases where properties are palpably overassessed, in home properties that have lost their original intrinsic value, and in other cases where it is apparent that changed economic conditions or changes in entire neighborhoods have resulted in greatly lowered values. But we must also, and in justice to all the people of our city, strive to maintain fair values on highly assessed properties,



the owners of which seek to thrust upon the whole city the cost of their mistakes of management or judgment.

The Board of Assessors of our city is fair and often liberal in its abatement grants. The Appellate Tax Board of the state has shown, on many occasions, a liberality which is both distressing to the responsible officials of our city and open to grave dispute. During the past year the Appellate Tax Board has granted abatements to the amount of approximately 17 per cent of the valuations involved. The Boston Board of Assessors on cases pending before the State Board made settlements of less than 11 per cent of the valuations involved, and granted abatements on other cases before its own Board averaging slightly over 13 per cent of the valuations involved.

In view of the fact that approximately three-quarters of the cases filed before the Appellate Tax Board are Boston cases, and in view of the further fact that that Board has exhibited a generosity which appears, at times, to be unreasonably excessive, it seems reasonable to urge that at least one member of that Board be a resident of Boston — there is now no resident of Boston on that Board of five members.

It is a policy of this administration that real estate valuations once properly and fairly established by the Board of Assessors or the Appellate Tax Board will stand until altered circumstances justify a change in the valuation; and it is a further policy of this administration not to re-establish fictitious values merely for the purpose of creating a false tax rate.

The 1939 Tax Rate.

No definite statement as to the exact tax rate to be declared for 1939 can be made at this time. All that can be done is to comment briefly on the major item entering into the tax rate computation. I am firmly convinced that it will be possible to maintain the cost of operation of city departments at a figure no higher than a year ago. It appears likely that a reduction in debt service charges will be possible. School maintenance costs should reflect a reduction due to reduced pupil numbers. The Sumner Traffic Tunnel deficit should show no increase over the deficiency at the close of 1937. Ordinary revenue receipts should increase due to the adoption of a revised schedule of permits and fees.

If these items were the only factors present in the tax rate we could look forward to a reduction in this year's rate. Unfortunately, the following items, all of them beyond the control of the Mayor, but all of them contributing factors to the tax rate, threaten to create a situation which precludes any possibility of a reduction in the tax rate of 1939:

1. Increased Elevated deficit.
2. Greatly increased state tax.
3. Further shrinkage in assessed valuations.
4. Reduced returns from the income and corporation taxes.
5. Increased county budget, due to the opening of the new Court House.
6. Increased pension system requirements.

While it is not pleasant for me to forecast a further increase in the city's tax rate, I cannot ignore my responsibility to speak openly and frankly on a matter which is of supreme importance to the taxpayers of the city. In the months which intervene between now and the time when the rate will actually be declared, it will be my earnest endeavor to prevent, in so far as it lies within my power, an abnormal increase in the 1939 tax rate.

Relief.

Expenditures for relief, both direct and indirect, continue to absorb much of the income of the city, in fact, in the year just passed there has been a decided upward turn in the appropriations needed for this purpose.

The expenditures of our Public Welfare Department are \$1,000,000 in excess of the previous years' expenditures. Over 29,000 families are now receiving direct aid from this source and the tendency seems to be upward rather than downward in numbers requiring such aid. Private investigation conducted under my personal direction warrants the statement that little, if any, fraudulent cases are carried on the welfare rolls. During the year recipients of welfare aid were provided with free milk, with no decrease in the allotments granted. The Welfare Depart-

ment of the City of Boston during our administration will continue to provide aid for every deserving applicant.

The city has sponsored W. P. A. projects employing over 26,000 persons. To make this employment possible it is necessary that the City of Boston cooperate by providing supplies, equipment and material. The cost to the city during the past year for W. P. A. activities was \$2,200,000, an increase of close to \$1,000,000 over the expenditures for this purpose in 1937. During the early months of my term as Mayor the business recession increased unemployment in our city. In an effort to relieve unemployment I made repeated visits to W. P. A. State headquarters and to Washington, as a result of which visits our city received an additional allotment of \$8,000,000 for Boston projects, thus providing employment for 10,000 additional persons.

W. P. A. projects sponsored by the City of Boston have resulted in many valuable improvements which are of permanent asset to our city far greater than the material contribution required. Notable among these W. P. A. improvements are the following:

The extension of the subway along Huntington avenue beyond Gainsborough street, providing more rapid transit facilities for the Roxbury and Jamaica Plain sections of our city.

The construction of a four-lane automobile underpass at the junction of Massachusetts and Huntington avenues, which will eliminate one of the most congested traffic points in the city and enable Huntington avenue to carry a greatly increased traffic load.

The relaying of eight miles of cast-iron sewer pipe and eight and one half miles of water cast-iron mains in the city.

The construction and reconstruction of forty miles of streets, the largest program of street improvements carried to completion in the history of the city.

Grouping together expenditures for public welfare, child welfare, and W. P. A. activities, we find that a total in excess of \$16,000,000 has been expended by the city during the course of the year.

Expenditures for all forms of relief constitute one of the major burdens of our municipality. It is a burden which we neither want to nor will shirk. It is a burden which we all willingly assume, in order that those in our community who are unfortunate or unemployed may receive at least sufficient aid to provide the common necessities of life. It is a burden that, in my opinion, should rightfully be borne by the state government through funds raised expressly for this purpose. We all must realize that this problem is more or less permanent in nature, and that, under present circumstances, most cities in the Commonwealth find this depression burden almost beyond the financial abilities of the local government to carry with their limited tax sources. The problem of relief in all its forms is no longer local in its aspect. State acceptance of this responsibility is necessary if the cities and towns are to remain independent governmental units in a solvent condition.

The Boston Elevated.

The Elevated problem still remains unsolved. Efforts toward complete public ownership failed during the past session of the Legislature, and under the Public Control Acts the car-riders of the district and the property owners of the city and surrounding territory must continue to pay dividends to the private stockholders. Unfortunately, the Legislature was unwilling to adopt my recommendation for an appraisal of the property with a view to determining its actual present value, and we are thus no nearer knowing its true value if it is to be bought by the public. Deficits continue to increase year by year and in the year 1939 Boston will be faced with an increase of \$900,000 over its share of the deficit assessed last year, a figure that amounts to sixty cents on our tax rate.

Obviously, we have here a problem that will require the best brains that can be summoned to the task on Beacon Hill. It is a problem that will not down nor solve itself. It must be met. In the interests of the people of Boston, I pledge myself to cooperate in every possible way with the new administration in an effort to solve this most perplexing problem.

### Various Departmental Activities.

#### Fire Department.

The work of the Boston Fire Department deserves more than simple passing mention. For the year 1938 the City of Boston has received the first award for the greatest improvement for Fire Prevention work and this award was received in competition with four hundred and seventy-one cities in the United States, Honolulu and Alaska, and two hundred and thirty-eight cities in Canada.

In addition to this outstanding recognition afforded our city, I am pleased to say that the fire loss in the City of Boston for the past year is the lowest within the recorded history of the city.

The most remarkable fact in connection with these accomplishments is that they were achieved despite the lowest Fire Department budget since the year 1923.

#### School Buildings Department.

The Department of School Buildings in the City of Boston, has established an enviable record during the year which deserves special recognition. Under the direction of an unpaid Board of Commissioners and the Superintendent of Construction James J. Mahar, this department has operated on the lowest budget in the past twenty years, a budget approximately a quarter of a million less than the previous year and almost a million dollars less than in 1930. Despite the drastic cut in allowances this department maintained in first-class condition the structures and equipment of the various school buildings; made certain of the safe and comfortable housing of each child attending our public schools; and provided out of its limited budget for the hurricane damage to the two hundred and eighty-five school buildings in our city which have a gross valuation of over \$80,000,000. Not only did this department meet extraordinary expenses, which in other agencies of government caused extraordinary additional expenditures, but I am proud to say that this department ended the financial year with an unexpended balance of \$65,000.

What this department has done under the able supervision and direction of its responsible officers is an example of what can be accomplished in municipal activities, and is an example which I recommend other city departments to follow where possible.

#### Supply Department.

During the course of the present year a start has been made on the improved methods of purchasing supplies and materials for city departments. Changes in the system of purchasing were recommended by a committee of prominent purchasing agents of leading business establishments of Boston who pursued their studies in cooperation and conjunction with the Municipal Survey Committee and the Supply Department.

Increased efficiency has resulted from the report of this committee, and substantial savings have been made possible by the adoption of the recommendations. Still further recommendations of the committee will be put into effect during the course of this year, with a possibility of still greater savings to the city.

The willingness of busy executives to give their time and effort to the city for the purpose of improving our methods of operation is a vivid example of what we may gratuitously receive from public-spirited citizens if we show an indication that we desire our city to be conducted in a modern and efficient manner.

#### Health and Hospital Departments.

In the matter of health and hospitalization, the record of our city during the past year is an enviable one.

During the year the United States Chamber of Commerce awarded to our city the first prize for the most notable accomplishments in health conservation of any large American city.

Boston during the past year had the best health record and the lowest death rate record in its entire history. Deaths from pneumonia were the lowest in a great many years, and not a single death resulted in the entire city from the once dreaded disease, diphtheria. Of the twelve largest American cities, Boston had the lowest death rate from tuberculosis.

The infant mortality rate of our city was the lowest in our history, and the year 1938 will be remembered because of the lowest number of deaths of expectant mothers, and I am pleased to announce that the facilities of our City Hospital,

for maternity cases, will be expanded during the course of the present year by the opening of an additional ward with thirty-three beds for expectant mothers.

The New Surgical Building at the City Hospital was opened during the year, with an additional maintenance expense upon the city of \$300,000 per year. Eighty-six new nurses were appointed to this service for the better care of the patients confined to this buildings.

I propose to direct the Board of Trustees of the Boston City Hospital, in cooperation with the Hospital Council of Boston, to make a general survey of the medical services afforded East Boston, with a view of assuring the citizens of East Boston adequate and sufficient medical care.

The City of Boston is providing a wide and varied measure of service to its citizens for the protection of their health. A wise public health philosopher once expressed the conviction that public health was purchasable and that communities might determine their own death rates. The City of Boston, by the wise expenditure of funds both for prevention and treatment, is indeed conserving and protecting the health of its people.

#### Finance Commission.

The Boston Finance Commission has worked in harmony with the present administration. On more than one occasion its recommendations have been adopted and on all occasions its advice has been accepted in the spirit in which it has been offered. Recommendations made by the commission have been put into effect and have been of a distinct value in the development of many new practices and in the improvement of administrative methods. It is my sincere hope that the future relations between the Finance Commission and the officials of the City of Boston will continue to be pleasant and helpful. In these trying days of puzzling municipal problems the cooperation of all the agencies of government is necessary if we are to arrive at some sort of a solution of these problems. Constructive criticism by the Finance Commission will continue to be accepted by city authorities, and acted upon for the better administration of our city government.

#### Housing.

During the year the United States Housing Authority has set aside \$29,000,000 for the new housing projects in the City of Boston. These projects will be constructed in Charlestown, Roxbury, South Boston and the South End sections of our city. Construction will commence early in the present year. Boston's participation in subsidized housing will bring about the redemption of numerous areas in our city which the passage of time has rendered unfit for habitation under the American standard of living. It is admitted that private capital would be either unwilling or unable to reclaim these areas, which even now are in such dilapidated condition that they tend to depress property values in surrounding neighborhoods. Reclamation of these areas by the Housing Authority will not only improve property and property values, but will also improve the health of the thousands of children who will be housed within these projects, now resident in the main in crowded homes, without heat, and with improper and inadequate sanitary facilities. Future Boston will be the better for the citizens who will have an opportunity to grow and develop, sound in mind and body, by reason of the clean and healthy environment the new housing will provide. Furthermore, the housing program, in addition to the large building program now in prospect by private interests, should insure employment for practically all the building mechanics now resident within the City of Boston before the end of the present year.

#### Industry and Conventions.

Even before the depression, and increasingly during the depression years, Boston has witnessed an exodus of industry from its borders until we seemed to have reached an irreducible minimum of industrial activity. Free or reduced taxes, low wages and unorganized labor were some of the inducements held out by communities in this and other states to hasten the exodus. The recent elimination of the machinery tax, the general unionization of labor throughout the nation, the passage of the wage-hour law, have all combined to eliminate the unfair advantage heretofore enjoyed by other localities. Given free competition, I am convinced that Boston can now obtain her

fair share of manufacturing and other industries from which the city must draw its very life-blood. We have here shipping facilities by sea and by land that are unexcelled. We have a plenitude of skilled labor not available elsewhere. Labor controversy has been almost unknown within our borders. With city finances now on a firmer basis, and our faces turned confidently toward the future, we can expect to hear once more in Boston the hum of thriving industry.

During the past year forty-four manufacturing industries have located within our borders. We have begun the long climb back as a center of industrial activity, and I hope that all the agencies and elements in our city and state, both private and public, will give encouragement wherever and whenever possible to the re-establishment within our gates of commercial pursuits which, in the final analysis, is the basis of prosperity for all.

During the coming year one hundred and nine conventions, large and small, will come to Boston. The largest of these conventions will be that of the Veterans of Foreign Wars.

Boston should be the greatest convention city in our country. Our attractions are too numerous for mention at this time, but unless we go after this business it will go elsewhere. One of the matters to which I have given considerable time and attention since taking office is the selling of our city to large groups and associations who meet in annual convention.

During the coming year millions of dollars will be spent in our city by persons attending conventions, and that money circulating in this community will have a beneficial effect in many ways, in addition to the great advertising value which our city receives from persons who visit us.

I implore those in our city who may be members of large national organizations or societies to bring their groups to this city. Boston can be, and should be, the number one convention city in this country, and I shall exert every effort to expand our opportunities in this most profitable line of endeavor.

#### Metropolitan Boston.

For more than a generation Boston Mayors have urged a Metropolitan Boston either by annexation of the suburbs to Boston or by various types of federations. Under the present conditions which exist there is waste and unnecessary duplication of governmental services and functions by the cities and towns which might properly be part of such a large unit. The area within fifteen miles of the State House is truly a great social and economic unit, but governmentally it remains divided into scores of unrelated and non-cooperative sections.

I fully appreciate the pride which our suburban citizens have in their local communities. Many of these communities have their origins almost as far back as Boston's, and they are rich in tradition which we should do everything to preserve and nothing to destroy.

We must view the situation in this area with realism. Even if we were certain as to the exact form which a Metropolitan Boston should take, I am convinced of the futility of attempting to obtain immediate legislative action bearing upon this problem in any way. I realize that if any more unity in government is ever going to be achieved in this area it is not likely to occur until the suburbs are convinced of its value and believe it to be preferable to the present condition of independence and isolation. That will not come during my term of office. It may not come in my lifetime. But eventually it will come, because for the common protection and preservation of the whole it is a necessary and natural development.

I do not intend to take the customary but futile steps of seeking legislation for a Greater Boston, or to agitate for it in any way. Instead, I propose to stand ready to develop new avenues of cooperation between Boston and her sister municipalities which surround her. We have many problems in common and it should be possible for us to meet them together. I also hope to effect such improvements in the administration of this city government that will win it a greater degree of popular respect.

All that I ask of the citizens of our neighboring suburbs is the recognition of our common problems and a willingness to work them out together. Once we can dispel antagonisms and suspicions; once we can reach an attitude of mutual respect and understanding; once we can work out the problems of this great area in unison, we can let developments from that point on into the future take their natural course.

Most certainly, Boston with its duty to maintain services of a great metropolitan city; with its daytime population which is more than double its real population; and with its ties and traditions closely allied with our sister cities and towns, would be a far greater city and command far greater respect nationally if and when the true Boston can be amalgamated into a greater city.

#### Conclusion.

At the beginning of this report I stated that it was of prime importance and necessity that we maintain the credit of our city, for unless that credit is maintained we shall not be able to meet the fundamental requirements for which we are organized as a city or the abnormal requirements resulting from the long-continued depression. That we have met that primary duty is evidenced by the fact that recent temporary borrowings by the city were obtained for forty-three hundredths of one per cent, the lowest rate for this type of borrowing in the recorded history of the city. Our credit standing is on a firmer basis than when this administration took office.

This administration has entered into no costly activities. There have been no capital expenditures. There has been no squandering of the public funds. Ninety per cent of the vacancies in city departments have been allowed to lapse, with no loss in the efficiency of operation. Improvements in methods of administration and operation of various city departments recommended by the Municipal Survey Committee have resulted in greater efficiency and substantial savings to the city. Advantage has been taken of the generosity of the Federal Government through W. P. A. activities, thus saving our city large sums of money that would have been assessed for welfare purposes.

Our city government is still faced with unusual conditions. Fixed or extraordinary expenditures over which we have little if any control, and which are on the increase rather than on the decrease, are on one side of the ledger, while on the other side is the picture of shrinking revenues. Almost every other large city in our country has had its income augmented or supplemented by substantial revenues from sources other than real estate taxes. The only visible new source of revenue to our city will be from the newly established schedule of fees for licenses and permits which, through the cooperation of your Honorable Body, will increase our revenues by approximately three hundred thousand dollars.

We have instituted economies that are difficult to make and still maintain efficiency and adequacy of service, and which are discounted and dissipated by circumstances over which we have no control, and which make a reduction in our tax rate impossible.

The situation which faced our administration one year ago made necessary the adoption of this policy of limited expenditure, but to what avail is this sort of a policy if the state government, whose deficits we are compelled to bear in large measure, continues a policy of unlimited expenditure? It is not, in my opinion, a barren hope that the new state administration will not only desist from ill-advised and hasty expenditures of vast magnitude, and of somewhat questionable necessity, but will actually reverse the procedure and give to overburdened cities and towns the cooperation and assistance which is necessary if those cities and towns are to retain their standing as independent units of the government.

In the year just ahead the same careful scrutiny and vigilance will be exerted over the expenditure of the public funds. Every effort will be made to promote efficiency of operation and thus reduce expense of operation. Every expedient will be utilized to prevent undue and additional burdens on the taxpayers of our city. Every opportunity will be accepted that will promote the general welfare and well-being of our city.

As Mayor of Boston I desire to publicly express my appreciation to those public-spirited citizens who have given unstintingly of their time and talents, without compensation, and more especially the trustees of the Boston City Hospital, the trustees of the Boston Public Library, the Overseers of the Public Welfare Department, the members of the City Planning Board, the members of the Board of Park Commissioners, the trustees of the George Robert White Fund, the Commissioners of the Sinking Funds Department, and the members of the Board of Commissioners

of School Buildings, all of whom contribute their invaluable services to our city without cost to our city government.

Let me also, and with equally as sincere sentiments, express my gratefulness to the entire membership of the Boston City Council, who during the year just passed have given me unselfish cooperation in all my undertakings. This spirit of harmonious action is proof conclusive that your Honorable Body has a deep under-

standing of the common problems that beset our city, and that to solve those problems you are willing to submerge, if necessary, all other considerations in consideration of the common good of all our citizens. I thank the gentlemen and the lady member of this body, individually and collectively, for your attitude during the past year, and I am confident that the coming year will find our relations equally as cordial and understanding.

A COMPARISON OF CITY OF BOSTON TAX STRUCTURE ELEMENTS, 1930 AND 1938.

	1930.	1938.
Tax Rate.....	<u>\$30 80</u>	<u>\$41 30</u>
Assessed Valuations.....	<u>\$1,972,148,200 00</u>	<u>\$1,550,407,500 00</u>
Income Distributed by State:		
Income Tax.....	\$7,572,205 30	\$4,896,926 34
Corporation Tax.....	3,951,322 15	981,617 57
	<u>\$11,523,527 45</u>	<u>\$5,878,543 91</u>
Charges Levied by State:		
State Tax.....	\$1,816,290 00	\$4,060,620 00
Metropolitan Assessments.....	2,278,969 77	1,427,828 15
Elevated Deficit.....	—	1,173,473 78
	<u>\$4,095,259 77</u>	<u>\$6,661,921 93</u>
Debt Service Charges.....	<u>\$8,134,682 68</u>	<u>\$12,245,278 55</u>
Expenditures for Human Needs:		
Hospital Department.....	\$3,405,509 25	\$3,769,000 00*
Institutions Department.....	764,150 71	1,198,204 13*
Public Welfare.....	3,844,619 45	10,326,000 00†
Soldiers Relief.....	502,388 03	710,000 00*
W. P. A. Contributions.....	—	1,771,100 00‡
	<u>\$8,516,667 44</u>	<u>\$17,774,304 13</u>

\* Estimated.

† Exclusive of payments from Federal Grants.

‡ Exclusive of Huntington Avenue Subway.

REGULAR DEPARTMENTAL EXPENDITURES.

DEPARTMENTS.	1930.	1938.*
Art.....	\$1,895 15	\$476 66
Assessing.....	357,115 70	310,000 00
Auditing.....	78,954 56	85,600 00
Retirement Board.....	30,269 82	32,500 00
Traffic Commission.....	195,175 13	151,000 00
Budget.....	11,941 09	12,500 00
Building.....	262,152 36	190,000 00
Board of Appeal.....	12,205 76	10,500 00
Board of Examiners.....	5,290 87	4,400 00
City Clerk.....	49,956 33	46,000 00
City Council.....	82,900 91	85,000 00
Council Proceedings.....	13,113 71	12,000 00
City Documents.....	52,658 37	20,000 00
City Planning.....	34,271 70	16,000 00
Collecting.....	202,878 03	160,000 00
Election.....	251,764 08	240,000 00
Finance Commission.....	56,779 34	44,000 00
Fire.....	4,745,441 63	4,105,000 00
Health.....	1,099,586 96	920,000 00
Law.....	114,162 48	150,000 00
Library.....	1,132,520 06	1,230,000 00
Licensing Board.....	31,958 40	49,000 00
Market.....	17,440 07	15,500 00
Mayor, Office Expenses.....	106,463 99	80,000 00
Conventions, etc.....	70,936 15	7,500 00
Public Celebrations.....	100,806 72	41,000 00
Park.....	1,949,381 24	1,368,000 00
Public Buildings.....	593,918 31	430,000 00
Carried forward.....	\$11,661,938 92	\$9,815,976 66

\* Estimated.

REGULAR DEPARTMENTAL EXPENDITURES — Concluded.

DEPARTMENTS.	1930.	1938.*
<i>Brought forward</i> .....	\$11,661,938 92	\$9,815,976 66
Public Works.....	7,673,120 97	5,702,370 57
Registry.....	65,992 95	55,000 00
Reserve Fund.....	343,084 88	335,000 00
Sinking Funds.....	3,202 20	2,750 00
Statistics.....	15,890 19	8,700 00
Street Laying-Out.....	184,833 73	164,000 00
Supply.....	51,712 64	60,000 00
Treasury.....	76,071 12	73,500 00
Weights and Measures.....	44,317 97	45,000 00
	<u>\$20,120,165 57</u>	<u>\$16,262,297 23</u>

\* Estimated.

REVENUE RECEIPTS.

	1930.	1938.
City Departments.....	\$2,150,139 83	\$2,010,000 00*
School Department.....	1,775,076 10	900,000 00*
County of Suffolk.....	556,929 77	375,000 00*
Public Welfare.....	586,709 34	3,500,000 00*
Liquor Licenses.....	—	1,400,000 00*
Relief Loans.....	—	4,375,000 00
	<u>\$5,068,855 04</u>	<u>\$12,560,000 00</u>

\* Estimated.

The Mayor concluded his address at 3.20 p. m., amid loud applause, and retired from the hall, escorted by the original committee.

Upon the retirement of Mayor Tobin, Chairman SHATTUCK at 3.22 p. m. declared a recess of five minutes.

Chairman SHATTUCK at 3.28 p. m. called the Council to order.

A roll call showed that all the members of the body were in attendance.

Coun. KERRIGAN offered the following:

Ordered, That the City Council of Boston proceed to the election of a President for the year 1939. The order was passed.

Chairman SHATTUCK—Before taking up the question of election for President, the Chair thinks it necessary to make a ruling.

The City Charter provides in section 50 that the City Council "shall elect by a vote of a majority of all the members" a president. The words "majority of all the members," and the words "two-thirds of all the members" in section 2 relative to loans, appear in the charter of 1909, when the City Council consisted of nine members. The words "majority of all the members" were contained in chapter 479 of the Acts of 1924 when the City Council was increased to twenty-two members. It is the opinion of the Chair that the intention in both cases is to provide a fixed number from which the calculation is to be made of what is a majority and what is two-thirds. The number of members provided for is twenty-two and two-thirds of twenty-two is fifteen and a majority of twenty-two is twelve. The Chair, therefore, rules that in the election of a president by a majority of all the members it is necessary for the successful candidate to receive twelve votes notwithstanding any temporary decrease by death or resignation in the number of persons holding the office of member of the City Council.

The clerk will now call the roll, and each member, as his name is called, will rise and announce his choice for President of the City Council for 1939.

The clerk called the roll and the members were recorded, with the following result:

For James E. Agnew—Coun. Agnew, Englert, Fitzgerald, Kerrigan, Murray, Norton, Shattuck, Taylor—8.

For William J. Galvin—Coun. Fish, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Sullivan—9.

For Robert Gardiner Wilson—Coun. Chase, Rosenberg—2.

For Edward L. Englert—Coun. Carey—1.

For Sidney Rosenberg—Coun. Wilson—1.

And there was no choice.

VETO OF DANIEL A. WHELTON PAYMENT.

The following was received:

City of Boston,  
Office of the Mayor, December 30, 1938.  
To the City Council.

Gentlemen,—I return herewith without my signature and disapproved the order passed by your Honorable Body on December 19, 1938, to pay the sum of \$1,240 to Daniel A. Whelton, in reimbursement of the premiums paid by him for thirteen years on his bonds as special sheriff.

The reimbursement was asked for on the plea that Mr. Whelton paid the premiums out of his own pocket and in ignorance of the provisions of section 43a of chapter 35 of the General Laws—passed in 1924, which reads as follows:

"Every officer or employee of a county required to furnish a fidelity bond with a surety or sureties shall furnish a bond with a surety company authorized to transact business in the Commonwealth as surety. The premium on such bond shall, in every case, except in the case of the treasurer of Suffolk or Nantucket County, be paid by the county."

As special sheriff Mr. Whelton, under section 4 of chapter 37 of the Revised Laws was obligated to give a bond to the sheriff in such amount as the sheriff required. He furnished no bond running to the County of Suffolk. He was and is an employee of the sheriff and responsible to and paid by him when he is acting as sheriff except when there is a vacancy in the office, at which time he furnishes a regular sheriff's bond running to the State Treasurer.

It is true that certain employees in some of the city departments furnish bonds running to the head of the department and the department pays the premium on the bonds, but in these cases the persons bonded are employees of the city and not personal employees of the head of the department, and the city pays their salaries.

It seems evident that Mr. Whelton is not an employee of the County of Suffolk, but the Corporation Counsel has ruled that the special sheriff is an officer contemplated to be within the provisions of said section 43a, and that the premiums could have been paid by the county.

Assuming that the statute in question applied to Mr. Whelton, the fact remains that he paid the premiums voluntarily and under no ruling or compulsion from any city or county official.

Under the circumstances, and for the reason that if any reimbursement is made, the Law Department's approval limits it to \$600, I do not approve the order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

#### SECOND VOTE FOR PRESIDENT.

On motion of Coun. FITZGERALD, the Council voted to proceed to another ballot for election of a President for the year 1939.

The clerk called the roll and the members were recorded, with the following result:

For James E. Agnew—Coun. Agnew, Carey, Englert, Fitzgerald, Kerrigan, Murray, Norton, Shattuck, Taylor—9.

For William J. Galvin—Coun. Fish, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Sullivan—9.

For Robert Gardiner Wilson—Coun. Chase, Rosenberg—2.

For Sidney Rosenberg—Coun. Wilson—1.  
And there was no choice.

#### TEMPORARY ANTICIPATORY BORROWING.

The following was received:

City of Boston,  
Office of the Mayor, January 3, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the attached communication from the City Auditor. In accordance with the recommendation contained therein I submit an order providing for the issuance, in anticipation of the revenue receipts of the year 1939, of temporary notes in an amount not to exceed \$45,000,000. I respectfully recommend consideration and adoption of this order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Auditing Department, January 3, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—It is customary to submit to the City Council at its first meeting in the New Year an order authorizing the issuance as needed during the year of temporary loans in anticipation of revenue receipts. Last year the Council authorized a maximum borrowing power of \$45,000,000 and I respectfully recommend that an order in this amount be submitted to the City Council for consideration and adoption.

Respectfully,  
CHARLES J. FOX,  
City Auditor.

Ordered. That to provide temporarily money to meet the appropriations for the financial year 1939, the City Treasurer be, and hereby is, authorized to issue and sell, at such times and in such amounts as he may deem best, notes or certificates of indebtedness of the City of Boston not exceeding \$45,000,000 in the total, in anticipation of the revenue of the financial year; that all such notes or certificates of indebtedness be dated the day the money for the same is received, he made payable with the interest thereon within one year of their date and bear interest from their date until the same are made payable at such rate as the City Treasurer and the Mayor may determine. The said City Treasurer is hereby further authorized to renew or refund any such notes issued for a shorter period than one year, under the provisions of section 17 of chapter 44 of the General Laws.

Coun. KERRIGAN moved a suspension of the rule for the first reading of the order.

The order was given its first reading and passage, yeas 21, nays 0.

#### APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council the following appointments were submitted by the Mayor, viz.:

Constable for the term ending April 30, 1939, to serve civil process upon the filing of a bond: David Kaplan, 639 Morton street, Dorchester, Mass.

Weighers of Coal: Richard B. DeWolfe, 730 Canton avenue, Milton Mass.; Duane P. Blanchard, 4 Van Ness road, North Weymouth, Mass.; Walter Lehman, 68 Orchard street, Medford, Mass.; Huey McKenzie, 3001 Washington street, Jamaica Plain, Mass.

Measurer of Leather: Harold R. Caro, 26 Vesta road, Dorchester, Mass.

Severally laid over a week under the law.

#### IRON FENCE, AMERENA PARK.

The following was received:

City of Boston,  
Office of the Mayor, January 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Park Department Chairman relative to your order of December 19, 1938, concerning the erecting of an iron fence around the tablet in Amerena Park, East Boston.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, December 28, 1938.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memo. of December 27 with inclosure, order from the City Council relative to erecting an iron fence around the tablet in Amerena Park, East Boston.

Please be informed there is no Amerena Park in East Boston. There is, however, an Amerena Playground under the control of this department. Said playground was turned over to the Park Department in exchange for land that is now under the jurisdiction of the School Department and on which a school has been erected. There was a tablet on that land and if the tablet is still in existence, it comes under the control of the School Department and not the Park Department.

Very truly yours,  
WILLIAM P. LONG, Chairman.  
Placed on file.

#### STREET CLEANING IN DORCHESTER.

The following was received:

City of Boston,  
Office of the Mayor, January 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Public Works Commissioner relative to your order of November 14, 1938, concerning the inaugurating of a campaign to clean up the streets in Dorchester and to provide some regular program for the cleaning of the streets.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
December 27, 1938.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—The following order that was passed in the City Council on November 14 has been referred to me for promulgation:

"Ordered. That the Public Works Commissioner be requested, through his Honor the Mayor, to inaugurate a campaign to clean up the streets in Dorchester, and to provide some regular program for the cleaning of the streets."

Since the passing of this order I have assigned approximately twenty-five constables to the Dorchester area to prevent, as far as possible, the littering of the streets, and also to report to the Central Office of the Sanitary Division any deplorable conditions, so that they may be remedied immediately. I have also temporarily cancelled all absences by the regular employees, due to overtime acquired, which will provide a full quota at all times.

The regular employees, with the aid of welfare workers, whom I have ordered transferred to the Sanitary Division from all other divisions of this department, should so increase our force that we shall be able to maintain the streets of this section in an orderly condition hereafter.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**SPEEDIER COLLECTION OF ASHES, ETC.,  
WARD 10.**

The following was received:

City of Boston,  
Office of the Mayor, January 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Public Works Commissioner relative to your order of December 12, 1938, concerning the devising of some plan for the better and speedier collection of garbage and ashes in Ward 10.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
December 30, 1938.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have copy of the following order that was passed in the City Council on December 12, 1938:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to devise some plan for the better and speedier collection of garbage and ashes in Ward 10."

I have arranged with the Welfare Division to have all welfare workers transferred from the other divisions of this department to the Sanitary Division.

I have also assigned three additional trucks to this district, and feel confident that these factors will enable us to provide regular weekly collections of ashes and garbage in Ward 10.

Respectfully yours,  
GEORGE G. HYLANN,  
Commissioner of Public Works.

Placed on file.

**FAILURE IN REGULAR COLLECTIONS OF  
ASHES AND GARBAGE.**

The following was received:

City of Boston,  
Office of the Mayor, January 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Public Works Commissioner relative to your order of December 12, 1938, concerning the advising of the City Council of the reasons why the Sanitary Department has constantly failed to make regular collections of ashes and garbage.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
December 30, 1938.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have copy of the following order that was passed in the City Council on December 12:

"Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to advise the City Council of the reasons why the Sanitary Department has constantly failed to make regular collections of ashes and garbage."

We have been greatly handicapped, due to the necessity of having the men who ordinarily are engaged in ash and garbage collections temporarily transferred to assist in snow removal work and clean-up work, due to the hurricane of September 21. Many of our regular employees have been absent due to overtime acquired, but I have temporarily canceled all such absences, and I feel that since the passage of this order conditions have improved considerably.

The Charlestown district is to be collected under contract in 1939, and I contemplate transferring the Charlestown personnel to the South End district, which should help us to maintain regular collections.

Respectfully yours,  
GEORGE G. HYLANN,  
Commissioner of Public Works.

Placed on file.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, viz.:

**Claims.**

Robert R. Bradley, for compensation for damage to property at Medford street, caused by sprinkler truck.

Edmund J. Burke, for compensation for damage to property at 125 Park street, caused by city truck.

Celia A. Finnegan, for compensation for damage to property at 9 Eleanor street, caused by leak in water pipe.

Doris G. H. Isacson, for compensation for injuries caused by an alleged defect at Temple place, near Washington street.

D. J. Kelly, for compensation for damage to car caused by city ambulance.

Mrs. G. H. Meade, for compensation for damage to property at 126 Bunker Hill street, caused by ash truck.

**Executive.**

Petition for children under fifteen years of age to appear at places of public amusement, viz.:

Clyde H. Philbrook, Bradford Hotel, January 12.  
Leave granted under usual conditions.

**ABANDONMENT OF EASEMENT.**

Notice was received from the State Department of Public Works of order passed December 22, 1938, abandoning easements previously taken for sloping purposes at Neponset river in certain parcels of land adjoining state highway in City of Boston.

Placed on file.

**THIRD BALLOT FOR PRESIDENT.**

On motion of Coun. FITZGERALD, the Council voted to proceed to another ballot for election of President for 1939. The clerk called the roll and the members were recorded, with the following result:

For James E. Agnew—Coun. Agnew, Carey, Englert, Fitzgerald, Kerrigan, Murray, Norton, Shattuck, Taylor—9.

For William J. Galvin—Coun. Fisb, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Sullivan—9.

For Robert Gardiner Wilson—Coun. Chase, Rosenberg—2.

For Sidney Rosenberg—Coun. Wilson—1.  
And there was no choice.

**PENSION FOR POLICEMAN HENRY F.  
HOGAN.**

Coun. WILSON offered the following:

Resolved, That the City Council of the City of Boston hereby favors the enactment of legislation for pensioning at full pay of Henry Francis Hogan, former member of the Police Department, who lost a leg in the performance of his duty, provided that such legislation contains a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

**PENSION TO THOMAS G. SUPPLE.**

Coun. WILSON offered the following:

Resolved, That the City Council of the City of Boston hereby favors the enactment of legislation authorizing the pensioning of Thomas G. Supple, a member of the Police Department, on an annual pension equal to the salary received by him as a police officer, provided that such legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

PREFERENCE TO BOSTON RESIDENTS  
ON HOUSING PROJECTS.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority, through his Honor the Mayor, be requested to include in all contracts relating to construction of further housing projects a specific condition that Boston residents, when available, shall be given preference in employment.

Passed under suspension of the rule.

ARCHITECTURAL SERVICES, HOUSING  
PROJECTS.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority, through his Honor the Mayor, be requested, in the construction of any further housing projects in Boston, to provide either that the services of city officials or army engineers be utilized in the matter of architect services, or, in any event, that Boston architects be given preference in this work.

Coun. WILSON—Mr. President, I noted with interest what his Honor the Mayor said in his address, at the bottom of page 29, on housing:

"Furthermore, the housing program, in addition to the large building program now in prospect by private interests should insure employment for practically all the building mechanics now resident within the City of Boston before the end of the present year."

I realize that that is so, but I also realize, as a result of contracts being let to contractors who are not usually Boston residents, various unions whose members live outside of Boston will come in and do Boston work. Therefore, carrying out the Mayor's idea in his address, I have introduced this order, making it one of the conditions precedent to entering into any contract, first, that the Housing Authority be requested to include in all contracts relating to construction of further housing projects here a condition that Boston residents, when available, shall be given preference in employment, in order that the recommendation of his Honor the Mayor may be lived up to 100 per cent, so far as preference being given to Boston residents when available is concerned; and, second, I have in mind that one of the very important and controlling items with reference to housing is the appointment of architects. Sometimes their remuneration runs up to 6 per cent, which is quite a lot of money, even in these days, on \$19,000,000. It seems to me that if city officials or army engineers were utilized for architectural services when housing project plans are drawn up, this item of 6 per cent on \$19,000,000 would be very materially reduced, and that, in any event, Boston architects might be employed, thus giving the taxpayers of Boston some run for their money. I also have in mind that if competent army engineers or competent engineers or architects of the City of Boston were so employed on the four Boston housing projects, there would be fewer nonresidents of Boston placed at work on these projects. For that reason, I ask the passage of both orders.

Coun. NORTON—Mr. President, I am informed that under these slum housing projects, if you are a citizen of the nation you are entitled to employment within the confines of any city or town, that you have the benefit of the national point of view in regard to the unemployment situation. I am confident, however, that if the Mayor of Boston can do so, he will see to it that citizens of Boston will be given preference, if it is possible under the law.

The order was passed under suspension of the rule.

TYPES OF FUEL FOR WELFARE  
RECIPIENTS.

Coun. ROSENBERG offered an order:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to instruct all workers in charge of issuing orders

and drafts for fuel to welfare recipients to immediately check the type of fuel used in each home in order to eliminate the possibility of an error in the sending out of these orders thereby causing hardship to the recipient.

Coun. ROSENBERG—Mr. President, I have introduced this order because of the hardship that has been caused in certain homes through the receipt of fuel not fitted to the heating apparatus of the homes. It has been called to my attention, for example, that on certain occasions recipients of fuel have received oil, where they have been using coal, and coal where they have been using oil. That is, in most cases, the households were not fitted for the particular type of fuel that was sent. The result has been that before a change could be made in the deliveries the coal or the oil in the household had been exhausted and the occupants have had at times to suffer hardship for a week or ten days, caused by the error in sending fuel for which the particular home was not fitted. I have at the present moment one instance particularly in mind, where the family received coal and their fuel was entirely consumed some time before the error could be corrected. There have been cases where there has been a delay in receipt of the proper fuel for a week or more, resulting in great hardship. I hope, therefore, that the Overseers of Public Welfare will be requested through the Mayor, to instruct all workers in charge of issuing orders or drafts for fuel to welfare recipients to immediately check the type of fuel used in each home, in order to eliminate the possibility of such error and hardship to the recipients. I trust that such errors will not occur in the future. I move the passage of the order.

The order was passed under suspension of the rule.

FOURTH BALLOT FOR PRESIDENT.

On motion of Coun. FITZGERALD the Council voted to proceed to another ballot for President of the Council for the current year.

The clerk called the roll and the members were recorded, with the following result:

For James E. Agnew—Coun. Agnew, Carey, Englert, Fitzgerald, Kerrigan, Murray, Norton Shattuck, Taylor—9.

For William J. Galvin—Coun. Fish, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Sullivan—9.

For Henry L. Shattuck—Coun. Chase, Rosenberg, Wilson—3.

And there was no choice.

FIFTH BALLOT FOR PRESIDENT.

On motion of Coun. FITZGERALD the Council voted to proceed to another ballot for President for the ensuing year.

The clerk called the roll and the members were recorded as follows:

For James E. Agnew—Coun. Agnew, Englert, Fitzgerald, Kerrigan, Murray, Norton, Shattuck, Taylor—8.

For William J. Galvin—Coun. Fish, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Sullivan—9.

For Henry L. Shattuck—Coun. Chase, Rosenberg, Wilson—3.

For Edward L. Englert—Coun. Carey—1.

And there was no choice.

On motion of Coun. NORTON the Council voted at 4 p. m. to adjourn to Monday, January 9, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, January 9, 1939.

Regular meeting of the City Council in Faneuil Hall, at 2 p. m., Coun. SHATTUCK presiding, and all the members present.

## JURORS DRAWN.

Jurors were drawn under the law, as follows, Coun. TAYLOR presiding at the box:

Eighty-two traverse jurors for the Superior Civil Court, January Sitting, to appear February 6.

Eighty-six jurors for the Superior Criminal Court, to appear February 6, viz.:

Eighty-six traverse jurors, Superior Criminal Court, to appear February 6, 1939:

Robert R. Alexander, Ward 1; Louis Bonito, Ward 1; Auhrey A. George, Ward 1; Richard D. McWilliams, Ward 1; Frederick W. Peterson, Ward 1; James W. Carr, Ward 2; Charles E. Costello, Ward 2; John T. Dunne, Ward 2; Arthur P. Pilcher, Ward 2; Charles S. Desmond, Ward 3; George Hohin, Ward 4; John M. Leonard, Ward 5; James J. McGonagle, Ward 5; Harold L. Parker, Ward 5; Raymond A. Rich, Ward 5; Edmund R. Rideout, Ward 5; Nelson C. Bridges, Ward 6; John J. Clancy, Jr., Ward 6; Michael A. Connolly, Ward 6; Henry E. Kaupp, Ward 6; Leo W. Raymond, Ward 6; Henry J. Baird, Ward 7; Frederick T. Byrnes, Ward 7; Theodore A. Dunne, Ward 7; Edward A. Rollins, Ward 7; Frank T. Smith, Ward 7; Charles B. L. Willett, Ward 9; Albert Charest, Ward 10; John A. Conway, Ward 10; Michael M. Greene, Ward 11; John J. Hamilton, Ward 11; Alfred H. Bessett, Ward 12; Walter S. Dockray, Ward 12; John J. Flynn, Ward 12; Francis X. Kelley, Ward 12; Isadore Levatinsky, Ward 12; Francis G. McCarthy, Ward 12; Patrick F. O'Rourke, Ward 12; Samuel Rachlis, Ward 12; William Rogers, Ward 12; Daniel J. Shea, Ward 12; John J. Tyner, Jr., Ward 12; Ben J. Waters, Ward 12; James J. Bacon, Ward 13; Thomas F. Byrnes, Ward 13; Thomas Cefelo, Ward 13; Mark J. Reay, Ward 13; Timothy J. McKeon, Ward 13; L. Forest Whittridge, Ward 13; Max Balkan, Ward 14; Samuel Brooker, Ward 14; Walter P. Ericson, Ward 14; Louis Grife, Ward 14; Jack Lemach, Ward 14; Jacob I. Sater, Ward 14; Joseph W. Stern, Ward 14; Philip Dretsky, Ward 14; David White, Ward 14; Joseph Alphonse Deaveau, Ward 15; Stephen P. DeLappe, Ward 15; William E. Scully, Ward 15; Thomas J. Traitor, Ward 15; Otis C. Elliott, Ward 16; Fridoff H. Larson, Ward 16; John J. Leonard, Ward 16; William G. Ryan, Ward 16; John J. Boyle, 3d, Ward 17; James E. Cambell, Ward 17; Arthur J. Logan, Ward 17; Edward C. Thompsson, Ward 17; James J. Murray, Ward 18; John J. Stevenson, Ward 18; Oliver L. Morin, Ward 19; Clement W. Sanborn, Ward 19; Orlando C. Beals, Ward 20; Robert A. Crockett, Ward 20; Lester R. Dingwell, Ward 20; Herman Heinz, Ward 20; Eugene B. Macy, Ward 20; Willard H. Thomes, Ward 20; John J. Lindstrom, Ward 21; Thomas Pickersgill, Ward 21; John P. Ahern, Ward 22; James F. Kelleher, Ward 22; Charles H. Pratt, Ward 22; James F. Wallace, Ward 2.

Eighty-two traverse jurors, Superior Civil Court, to appear February 6, 1939, January Sitting:

Joseph M. Gallagher, Ward 1; Antonio Pepe, Ward 1; Michael J. Ryan, Ward 1; Edward S. Redman, Ward 2; Thomas J. Maguire, Ward 3; Homer N. Gagnon, Ward 4; Harry E. Murray, Ward 4; Charles J. Odenweller, Ward 4; Thomas Coffey, Ward 5; Joseph F. Cox, Ward 5; William J. Flather, Ward 5; Richard J. Prevost, Ward 5; Michael A. Flaherty, Ward 6; Patrick J. Hanley, Ward 6; Vincent P. Hawker, Ward 6; Edward L. Keenan, Ward 6; Robert E. Sheehy, Ward 6; Walter Costello, Ward 7; Noble H. Irvine, Ward

7; James W. Moriarty, Ward 7; Michael J. Nihill, Ward 7; Dennis Gorman, Ward 9; Walter P. Dockray, Ward 10; Thomas F. Kelley, Ward 10; Francis J. Kuhn, Ward 10; Cornelius J. Bohane, Ward 11; Josiah Lewis, Ward 11; Charles A. Belhin, Ward 12; Gustave Belot, Ward 12; Albert L. Dutton, Ward 12; John Joseph MacGillivray, Ward 12; John O'D. Morrissey, Ward 12; Charles F. Scott, Ward 12; James A. Cahn, Ward 13; William F. Chambers, Ward 13; Patrick H. Connolly, Ward 13; George C. Doyle, Ward 13; Leo Kelley, Ward 13; Irving S. Chyvet, Ward 14; Samuel C. Clayton, Ward 14; Edward Grocer, Ward 14; George F. Johanson, Ward 14; Joseph C. Wood, Ward 14; Frederick J. Johnston, Ward 15; Joseph F. LaBollita, Ward 15; James S. Norton, Ward 15; Nils Hartvig Sixten Ring, Ward 15; John F. Wise, Ward 15; John J. Curley, Ward 16; John F. Donovan, Ward 16; Martin K. Henderson, Ward 16; Michael T. Horan, Ward 16; Edwin S. Gillespie, Ward 17; Thomas J. McDonough, Ward 17; C. Cameron McKeil, Ward 17; Edward F. Brennan, Ward 18; Angus S. Gillis, Ward 18; Walter M. Hamilton, Ward 18; Thomas S. Ross, Ward 18; Wilfred H. St. Laurent, Ward 18; John L. Sargeant, Ward 18; George J. Untz, Ward 18; Ludwig A. Braunes, Ward 19; Mark F. Carr, Ward 19; Francis X. Crotty, Ward 19; Irving N. Drake, Ward 19; Roy B. Kenyon, Ward 19; A. George Zervas, Ward 19; George E. Allen, Ward 20; John W. Cameron, Ward 20; John E. Bresnahan, Ward 21; Harold C. Coleman, Ward 21; Howard F. Doyle, Ward 21; Rohert M. Ferguson, Ward 21; Charles H. Jennings, Jr., Ward 21; David R. Lalor, Ward 21; James G. Moulton, Ward 21; Dana Frank Pratt, Ward 21; William T. Russell, Ward 21; Alfred W. Bradbury, Ward 22; Thomas J. Connors, Ward 22; Garret B. Kiley, Ward 22.

## TEMPORARY CHAIRMAN OF EXECUTIVE COMMITTEE.

Chairman SHATTUCK announced that unless objection was made he would designate Coun. Wilson to be temporary chairman of the Executive Committee pending the election of a President. No objection being made, Coun. Wilson was so appointed.

## APPROPRIATION FOR MOSQUITO CONTROL.

The following was received:

City of Boston,  
Office of the Mayor, January 6, 1939.  
To the City Council.

Gentlemen,—I have received notice from the secretary of the State Reclamation Board that, under the provisions of section 4 of chapter 112 of the Acts of 1931, the Board has fixed the amount of money to be raised and appropriated by Boston for the maintenance of mosquito control works during 1939 at \$300. To meet this certification I submit herewith an order providing for the appropriation of the required sum from the Contingent Fund, and respectfully recommend its adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

The Commonweath of Massachusetts,  
State Reclamation Board,  
136 State House, Boston,  
Boston, December 14, 1938.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mayor,—Under the provisions of chapter 112 of the Acts of 1931, an act relative to carrying out mosquito control measures, the State Reclamation Board is required by section 4 to certify the amounts to be raised and appropriated by each city and town for the maintenance of the mosquito control works constructed in each city or town. This section is as follows:

"On or before December fifteenth in each year, the sums of money necessary to properly maintain during the ensuing year the mosquito control works originally constructed in any city or town hereunder shall be estimated by said board and certified by it to such city or town. The amounts so certified shall be raised and appropriated by such city or town during said ensuing year and

shall he paid into the state treasury and disbursed therefrom on warrants drawn by said board."

As directed by section 4 of chapter 112 of the Acts of 1931, the State Reclamation Board has made estimates of the necessary maintenance, and hereby certifies that \$300 is the sum of money necessary to properly maintain during the ensuing year the mosquito control works constructed in the City of Boston under the said act.

The Board calls attention to the provisions in the latter part of said section 4 relative to paying the said amount into the state treasury and urges that this be done as soon as possible after your appropriation is made.

Very truly yours,  
STATE RECLAMATION BOARD,  
(GEORGE R. STRATTON),  
GEORGE R. STRATTON,  
Secretary.

Ordered, That the sum of three hundred (300) dollars be, and hereby is, appropriated, for the purpose of maintaining, during the year 1933, the mosquito control works as estimated and certified to by the State Reclamation Board in accordance with the provisions of chapter 112, Acts of 1931, said sum to be charged to the Contingent Fund, when made.

Referred to Executive Committee.

#### LEASE OF LAND TO SOUTH END HOUSE ASSOCIATION.

The following was received:

City of Boston,  
Office of the Mayor, January 9, 1933.  
To the City Council.

Gentlemen,—The South End House Association, a charitable organization, has requested the City of Boston to lease to it a certain parcel of land on East Dedham street in Boston. The certain land is now in the custody of the Real Estate Custodian of our city, being a piece of land foreclosed for non-payment of taxes.

The South End House Association desires to lease the land for the purpose of using the premises for a playground for the children of the district. In view of the fact that there is, at the present time, no ready market for the sale of this land, and in view of the further fact that the South End House Association is performing a very credible work and relieving the city of the necessity for establishing greater playground facilities in that neighborhood, I respectfully request your Honorable Body to give passage to the inclosed order providing for the leasing of this property for a term of three years at an annual rental of one dollar to the South End House Association, reserving, however, the right to terminate said lease within thirty days.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Whereas, The City of Boston is the owner of about 5,962 square feet of land on the southwesterly side of East Dedham street in Boston; and

Whereas, The said premises is in the custody of Daniel M. Driscoll, Esquire, Custodian of Real Estate Division, under the provisions of chapter 358 of the Acts of 1933; and

Whereas, The said premises are not now being used for any public purpose; and

Whereas, The South End House Association, a charitable corporation organized under the laws of the Commonwealth of Massachusetts, is desirous of using the said premises for playground purposes for children; now, therefore, it is hereby

Ordered, That the said Daniel M. Driscoll be, and he hereby is, authorized to lease, in the name and behalf of the City of Boston, by a written instrument satisfactory in form to the Law Department of the City of Boston, the said premises to the said South End House Association for the purpose of a playground for children for a term of three (3) years, at an annual rental of one and no/100 dollar, reserving, however, to the said City of Boston the right to cancel said lease at any time by giving to the said South End House Association a written notice of its intention so to do within thirty (30) days of the date of said notice.

Referred to Executive Committee.

#### LEASE OF LAND TO BOYS' CLUBS.

The following was received:

City of Boston,  
Office of the Mayor, January 9, 1933.  
To the City Council.

Gentlemen,—The Boys' Clubs of Boston have requested a lease of certain foreclosed property located at the corner of F and West Sixth streets, South Boston, to be used for playground purposes.

The property in question cannot, at the present time, be sold with advantage to the city. Therefore, I believe a lease of this property to the Boys' Clubs of Boston, a charitable corporation, for a period of three years at an annual rental of one dollar will put this property to beneficial use for that period of time.

I respectfully recommend the adoption of the accompanying order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Whereas, The City of Boston is the owner of about 10,465 square feet of registered land situated on the northeasterly side of West Sixth street, at the corner of F street, in that part of Boston called South Boston; and

Whereas, The said land is more fully described in Land Court Certificate, Suffolk Registry District, number 37347; and

Whereas, The said land is in the custody of Daniel M. Driscoll, Esquire, Custodian of Real Estate Division, appointed under the provisions of chapter 358 of the Acts of 1933; and

Whereas, The Boys' Clubs of Boston, Incorporated, a charitable corporation organized under the laws of the Commonwealth of Massachusetts, is desirous of using the said land for playground and other recreation purposes for the children living in the vicinity of said premises; now, therefore, it is hereby

Ordered, That the said Daniel M. Driscoll be, and he hereby is, authorized to lease, in the name and behalf of the City of Boston, by an instrument in writing satisfactory in form to the Law Department of the City of Boston, the said premises to the said The Boys' Clubs of Boston, Incorporated, for the purposes of playground and other recreation purposes for the children living in the vicinity of said premises for a term of three (3) years, at an annual rental of one dollar, reserving, however, to the said City of Boston the right to cancel said lease at any time by giving the said The Boys' Clubs of Boston, Incorporated, a written notice of its intention so to do within sixty (60) days of the date of said notice.

Referred to Executive Committee.

#### REPAIR OF GOVERNOR ANDREW PORTRAIT.

The following was received:

City of Boston,  
Office of the Mayor, January 6, 1933.  
To the City Council.

Gentlemen,—The Art Commission, through its chairman, Mr. Robert P. Bellows, has advised me that the large portrait of Governor Andrew, painted many years ago by the well-known artist, William Morris Hunt, has recently been damaged. As this portrait is hung in an important place on the main stairs at Faneuil Hall, the Art Commission deems it essential that repairs be made as soon as possible. The Art Commission requests that the sum of \$25 be made available for this repair work.

In order to comply with the request of the Art Commission, I transmit herewith an order appropriating the sum of \$25 from the income of the Phillips Street Fund, to be expended by the Art Commission for the above-mentioned repairs, and recommend its adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of twenty-five (25) dollars be, and hereby is, appropriated, to be expended, under the direction of the Art Commission, in making repairs to the portrait of Governor Andrew in Faneuil Hall, said sum to be charged to the income of the Phillips Street Fund.

Referred to Executive Committee.

NEPONSET TRAFFIC CIRCLE.

The following was received:

City of Boston,  
Office of the Mayor, January 6, 1939.  
To the City Council.  
Gentlemen,—In accordance with a recommendation of the Commissioner of Public Works, your Honorable Body on December 5, 1938, adopted an order placing the Neponset Traffic Circle in the care and custody of the Metropolitan District Commission.

This action was not requisitioned by the commission, but was initiated by the city and the citizens of Dorchester.

The term specified in the order was twenty-five years.

It now appears that the commission is unwilling to assume the care and improvement of this circle if the time is so limited.

Neither the Public Works Department nor the Law Department can see any reasonable objection to extending the time to ninety-nine years, especially as the city's rights are amply protected under the terms of the indenture.

I recommend the passage of the accompanying order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Whereas, Under an order of the City Council of Boston passed December 5, 1938, and approved by the Mayor December 6, 1938, the care, custody and control of certain premises specified therein, known as the Neponset Traffic Circle, were authorized to be transferred to the Metropolitan District Commission, with certain definite reservations, for a term of twenty-five years.

Ordered, That the Board of Street Commissioners of the City of Boston, with the approval of the Mayor, be authorized, by an instrument in writing satisfactory to the Law Department, to transfer the premises described in said order for a period of ninety-nine years instead of twenty-five years and with the same terms, conditions and reservations specified in said order.

Referred to Executive Committee.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council the following appointments were submitted by the Mayor, viz.:

Weighers of Coal; Fred Holway, 10 Milton street, Arlington, Mass.; Waldo Malone, 61 Shirley street, Winthrop, Mass.

Severally laid over a week under the law.

FUEL DELIVERED TO WELFARE RECIPIENTS.

The following were received:

City of Boston,  
Office of the Mayor, January 9, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Executive Director of the Public Welfare Department relative to your order of December 29, 1938, concerning the delay in the delivery of fuel to recipients.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
January 6, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have received your letter of January 5, 1939, with accompanying order of the City Council passed December 29, 1938, regarding delay in the delivery of fuel to recipients.

Every effort is being made by the department to see that fuel is delivered promptly. Fuel companies are required to make deliveries within three days of receipt of order and we insist that this be carried out.

In any case of delay of delivery, if the recipient will notify the social worker in charge of his case, arrangement will be made to have delivery made immediately.

Very truly yours,  
WILLIAM G. O'HARE,  
Executive Director.

City of Boston,  
Office of the Mayor, January 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Executive Director of the Public Welfare Department relative to your order of January 3, 1939, concerning the type of fuel delivered to recipients for their use.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
January 8, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have received your letter of January 5, 1939, with accompanying City Council order passed January 3, 1939, relative to the type of fuel delivered to recipients for their use.

A careful check is being made of the fuel ordered for recipients so that the proper type will be sent to them.

If a recipient of the department has such trouble as is referred to in this order, he or she should contact the social worker in charge of his case immediately and the matter will be adjusted the same day.

Very truly yours,  
WILLIAM G. O'HARE,  
Executive Director.

Severally placed on file.

YOUTH CENTER, FRANKLIN PARK.

The following was received:

City of Boston,  
Office of the Mayor, January 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the chairman of the Park Department relative to your order of December 29, 1938, concerning the securing of an outright grant for the purpose of erecting a Youth Center in Franklin Park in place of the Locker Building which is now there.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, January 7, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have a memo. from Chief Clerk William T. Doyle relative to Council order in regard to the securing of an outright grant for the purpose of erecting a Youth Center in Franklin Park in place of the Locker Building which is now there.

I regret exceedingly to inform you that the Government would not give any outright grants. Furthermore, Franklin Park is no place in which to erect a Youth Center. The Refectory Building in the park is used as a locker building and concession, and it would be inadvisable to remove same.

Respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

BETTERMENTS ON W. P. A. CONSTRUCTION WORK.

The following was received:

City of Boston,  
Office of the Mayor, January 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the chairman of the Board of Street Commissioners relative to your order of October 24, 1938, concerning reconsidering the reported decision to assess betterments on adjacent property owners incident to W. P. A. street construction work.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Street Laying-Out Department,  
January 6, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Your Honor,—After a great deal of study and consideration on the part of the Board of Street Commissioners relative to the assessment of betterments on the new type street which is being con-

structed by the W. P. A., the Board desires to call to your attention that there is a very materially improved type of street now being laid out to that which was formerly constructed by the W. P. A. The streets now being constructed will have a six-inch concrete base, new curbs and granolithic sidewalks. We feel that the price of three cents per square foot which is being charged is only a part of the cost actually expended by the city, and when we take into consideration that the life of these streets will be from twenty-five to fifty years the Board can see no reason at this time to reconsider their decision on this matter.

Respectfully yours,

JOHN A. DONOGHUE, Chairman.

Placed on file.

#### COLLECTOR, COLUMBIA STATION.

The following was received:

City of Boston,

Office of the Mayor, January 9, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway relative to your order of December 19, 1938, concerning the assigning of a collector to the Crescent avenue entrance to Columbia Station.

Respectfully,

MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
January 6, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your letter of December 27 with order of the City Council relative to assigning a collector to the Crescent avenue entrance to Columbia Station, I would say that this entrance was originally designed for a non-attended high-type passimeter, that is, an entrance for passengers who provide themselves with dimes for the dime-in-the-slot automatic passimeter, because of the relatively few passengers who use that entrance.

A recent count shows that during a period of twenty hours only 478 passengers used the Crescent avenue entrance, the largest number in any one hour being 43. Non-attended passimeters will readily accommodate more passengers than are at the present time using the Crescent avenue entrance to Columbia Station, and for this small number of passengers the wage cost of collectors cannot be justified.

Suitable instructive signs are installed at the approach to the Crescent avenue entrance.

Very truly yours,

EDWARD DANA,

President and General Manager.

Placed on file.

#### PREFERENCE FOR TENANCY IN HOUSING PROJECTS.

The following was received:

City of Boston,

Office of the Mayor, January 9, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Executive Director of the Boston Housing Authority relative to your order of December 19, 1938, concerning the possibility of preference being given Old Age Assistance and Mothers' Aid cases for tenancy in housing projects in Boston.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Housing Authority, January 6, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—In reply to your letter of December 27, 1938, concerning the City Council order of December 19, 1938:

"Ordered, That his Honor the Mayor be requested to take up with the Boston Housing Authority and the Public Welfare Department the possibility of preference being given Old Age Assistance and Mothers' Aid cases for tenancy in housing projects in Boston, applying to the rental in such cases the proportionate amounts now allowed such cases by the Welfare Department for rent, light and heat.

I am directed by the Authority to advise you that Chairman John A. Breen will be happy to

discuss the subject of the order with his Honor Mayor Maurice J. Tobin.

Respectfully yours,

FRANCIS X. LANE,

Executive Director,

For the Authority.

Placed on file.

#### FEES FOR LICENSING OF SCALES.

The following was received:

City of Boston,

Office of the Mayor, January 9, 1939.

To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Sealer of Weights and Measures, which is more or less self-explanatory. In his communication, the Sealer points out that the increase from fifty cents to two dollars for scales with a capacity of from one hundred to five thousand pounds is too severe an increase for the ordinary business establishment to hear, and the Sealer believes that the fee on this class of scales to be exorbitant.

In view of this opinion, to which I am inclined to subscribe, I am forwarding herewith an amendment to the ordinance which sets up a new classification of fees for scales within the lower capacity range. I respectfully recommend prompt action on this proposed amendment in order that the ordinance may be put in effect as soon as possible by the Sealer of Weights and Measures.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Weights and Measures Department,

January 7, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Sir,—Upon the receipt of the ordinance recently passed by the City Council and approved by you, I find that the scale of fees as outlined in said ordinance differ materially from the scale as presented by me.

Under section 13 of the new ordinance a fee of \$2.00 is established for all scales between 100 and 10,000 pounds. This means that scales now paying fifty cents must pay two dollars and includes scales in stores and other business establishments with a capacity in most cases of less than 5,000 pounds. To increase this fee from 50 cents to \$2.00, especially in view of the fact that many of these establishments have several of these scales within this capacity range, and in view of the further fact that the work involved and service rendered by our department is of a very limited service, I am convinced that to put into effect this new scale would cause an injustice and that it would be termed exorbitant by the owner of such scales.

My recommendation to the Survey Committee on Fees was to establish a classification so that scales with a capacity of from 100 to 5,000 pounds would be increased from 50 cents to \$1.00 and that the scales between 5,000 and 10,000 pounds be increased to \$2.00.

In my opinion the reason the City Council eliminated the first grouping and made one classification, *i. e.*, from 100 to 10,000 pounds was in order to make sure that personal weighing machines would pay an increased fee of from 50 cents to \$2.00. Unfortunately, by doing this, other scales in commercial and business establishments must also pay this large increase.

Under the scale as suggested by me personal weighing machines would pay \$1.00. There are 1,100 of these in the city and from my own personal knowledge at least 50 per cent of these scales do not make money.

In view of the above I would most respectfully suggest that the new ordinance be amended so that scales with a capacity of 100 to 5,000 pounds be charged \$1.00 instead of \$2.00. This, in my opinion, is as much as this class of scales should be charged.

Inclosed is an amendment to the ordinance which I have had prepared by the Law Department.

Respectfully yours,

JOSEPH F. COUGHLIN, Sealer.

Amendment to Ordinance Concerning Fees of Sealer of Weights and Measures.

Be it ordained by the City Council of Boston, as follows:

Chapter six of the Ordinances of 1938 concerning fees for certain licenses and permits is hereby

amended by striking out clause 13 of section 1 and inserting in place thereof the following:

13. The fee for sealing the following weighing or measuring devices provided for in section 56 of chapter 98 of the General Laws, as amended, shall be as follows:

Each scale with a weighing capacity of 100 to 5,000 pounds, as set forth in item (h $\frac{1}{2}$ ) of said section, \$1.00;

Each scale with a weighing capacity of 5,000 to 10,000 pounds, as set forth in item (1) of said section, \$2.00;

Each scale with a weighing capacity of more than 10,000 pounds, as set forth in item (h) of said section, \$3.00;

All other scales and balances as set forth in item (e) of said section, but not including measures on pumps, 25 cents each;

All weights and other measures as set forth in item (j) of said section, 5 cents each.

Except as provided above, all fees established by said section 56 of chapter 98 of the General Laws shall continue in effect as set forth in said section or any amendment thereof.

Referred to Committee on Ordinances.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Augustine Ball, for compensation for damage to car caused by an alleged defect in Broadway Bridge.

Elizabeth Betts, for compensation for injuries caused by an alleged defect in Sydney street.

James F. Coughlin, for compensation for damage to car caused by an alleged defect in Atlantic avenue.

Sara Fingold, for compensation for damage to car by city cart.

Carl Pierce, for compensation for damage to car by city truck.

Shaw H. Reynolds, for compensation for damage to car by snowplow.

LOAN IN ANTICIPATION OF TAXES.

Chairman SHATTUCK called up, under unfinished business, No. 1 on the calendar, viz.:

1. Ordered, That to provide temporarily money to meet the appropriations for the financial year 1939, the City Treasurer be and hereby is authorized to issue and sell, at such time and in such amounts as he may deem best, notes or certificates of indebtedness of the City of Boston not exceeding \$45,000,000 in the total, in anticipation of the revenue of the financial year; that all such notes or certificates of indebtedness be dated the day the money for the same is received, he made payable with the interest thereon within one year of their date and bear interest from their date until the same are made payable at such rate as the City Treasurer and the Mayor may determine. The said City Treasurer is hereby further authorized to renew or refund any such notes issued for a shorter period than one year, under the provisions of section 17 of chapter 44 of the General Laws.

On January 3, 1939, the foregoing order was read once and passed, yeas 21, nays 0.

The order was given its second and final reading and passage, yeas 20, nays 0.

SIDEWALK ASSESSMENTS.

A communication was received from the Public Works Department submitting order assessing half-cost on expense of constructing artificial stone sidewalks as follows:

Eleanor street, Ward 21, \$108.44.

The order was passed, and the communication placed on file.

MUNICIPAL BUILDING NEAR FRANKLIN FIELD.

Coun. ROSENBERG offered the following:  
Resolved, That the Boston City Council favors the enactment of legislation to borrow money for

the purpose of erecting a municipal building in the vicinity of Franklin Field, provided such legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

PENSION TO JOHN H. FISHER.

Coun. MURRAY offered the following:  
Resolved, That the City Council of Boston hereby approves the enactment of legislation ordering payment of a three-quarter pension to John H. Fisher, a member of the Boston Police Department who was permanently injured in the performance of duty, provided that said legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

SOLDIERS' RELIEF.

Coun. IRWIN offered an order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of January.

Order passed.

PRINTING OF SCHEDULES OF FEES FOR LICENSES AND PERMITS.

Coun. GALVIN offered the following:  
Ordered, That there be printed as a city document, under the direction of the City Clerk, a complete schedule of fees for licenses and permits, as in effect in all city departments on January 3, 1939, the cost of printing thereof to be charged to the appropriation for City Documents.

Passed under suspension of the rule.

REINSTATEMENT OF DENNIS F. GUTHRIE.

Coun. GALVIN offered the following:  
Resolved, That the City Council of Boston hereby approves the enactment of legislation for reinstatement of Dennis F. Guthrie of 91 Washington street, Charlestown, to his former standing in the Boston Police Department, provided that such legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

AMENDMENT OF CHAPTER 521, ACTS OF 1922.

Coun. ROSENBERG offered the following:  
Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to immediately petition for legislation to amend chapter 521 of the Acts of 1922, G. L., and its amendments, by adding a new section 17A, and also further amending chapter 521, by striking out section 23 and inserting thereof provisions for the direct payment of accumulations to a designated beneficiary, without the necessity of probate proceedings, in connection with the payment of a balance of a pension that may be in the retirement fund for a city or county employee at his death.

Coun. ROSENBERG—Mr. President, at the present time the General Laws, chapter 32, provide for retirement of employees in practically all political subdivisions of the state except Suffolk County. The act permits, in the case of other employees in the Commonwealth, direct payment of accumulations to a designated beneficiary, without the necessity of probate proceedings. That is, every other city and town in Massachusetts has in its retirement act a provision that the beneficiary may receive funds that have been accumulated during his lifetime. The City of Boston, I understand, is the only city in the Commonwealth that does not have that provision whereby such funds may be paid to a designated beneficiary. In a number of cases the amount left by the employee is so small that it would be hardly worth the time, effort and expense of those attempting to obtain such payment. There has been an act passed (chapter 521 of 1922) relating to retirements in Boston and Suffolk County and I believe

if this proposed amendment is made to that retirement act it will permit retired employees of the City of Boston and of Suffolk County to designate a beneficiary without the necessity of probate proceedings. Therefore, I ask for the adoption of the order.

The order was referred to the Executive Committee.

#### REPAIR OF ROXBURY SIDEWALKS.

Coun. TAYLOR offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to repair the sidewalks between Dale and Regent streets, Roxbury, said sidewalks being in dangerous condition.

Passed under suspension of the rule.

#### APPROVAL OF WORK OF DIES CONGRESSIONAL COMMITTEE.

Coun. CHASE offered the following:

Whereas, The Boston City Council is aware of the subversive propaganda which is being spread throughout the United States in an attempt by foreign elements to overthrow our present democratic form of government; and

Whereas, The Boston City Council is of the opinion that the Dies Congressional Committee for investigation of un-American activities has performed a great service to the American public by its exposé of communistic and other un-American activities; therefore be it

Resolved, That the Boston City Council is in favor of the continuation of the Dies Congressional Investigation of un-American activities; and be it further

Resolved, That the Boston City Council respectfully urges the United States Congress and President Roosevelt to appropriate \$150,000 in order to continue the good work of the Dies Congressional Committee; and be it further

Resolved, That copies of this resolution be immediately sent to the United States Congress and President Roosevelt.

Coun. CHASE—Mr. President.

Chairman SHATTUCK—The resolution will be referred to the Committee on Rules, without debate, under Rule 12.

The resolve was referred to the Committee on Rules.

#### TRAFFIC REGULATION, CENTRE STREET AND ARBORWAY.

Coun. LANGAN offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to arrange for the installation of suitable devices for the regulation of traffic at the traffic circle located at the junction of Centre street and the Arborway, Ward 19, for the added safety of pedestrians.

Coun. LANGAN—Mr. President, this order requests the Traffic Commissioner, through his Honor the Mayor, to arrange for the installation of suitable devices for the regulation of traffic at the traffic circle located at the junction of Centre street and the Arborway, Jamaica Plain, Ward 19, for the added safety of pedestrians. The traffic circle there has helped regulate the flow of automobile traffic, but it has unfortunately left the pedestrian to look out for himself. I believe it is possible to work out some arrangement that will eliminate this danger to pedestrians at that point by installing a traffic device that will control the traffic and at the same time afford to the pedestrian some measure of protection.

The order was passed under suspension of the rule.

#### RECESS.

The Council voted at 2.44 p. m., on motion of Coun. HARRIS, to take a recess subject to the call of the Chair. The members reassembled and were called to order by Chairman SHATTUCK at 3.24 p. m.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) *re* lease of property to Boys' Clubs of Boston—that same ought to pass.

Report accepted; said order passed.

2. Report on message of Mayor and order (referred today) *re* lease of land to South End House Association—that same ought to pass.

Report accepted; said order passed.

3. Report on message of Mayor and order (referred today) appropriating \$300 for purpose of maintaining mosquito control works—that same ought to pass.

Report accepted; order passed, yeas 20, nays 0.

4. Report on message of Mayor and order (referred today) appropriating \$25 for repairs to portrait of Governor Andrew in Faneuil Hall—that same ought to pass.

Report accepted; order passed, yeas 20, nays 0.

5. Report on message of Mayor and order (referred today) in reference to care, custody and control of Neponset traffic circle—that same ought to pass.

Report accepted; order passed, yeas 20, nays 0.

6. Report on order (referred today) with reference to amending chapter 521 of Acts of 1922, and its amendments—recommending passage of accompanying resolution, viz.:

Resolved, That the City Council of Boston favors the enactment of legislation to amend the Boston Retirement Act so as to provide for the payment to the designated beneficiaries of deceased members of the amount of their accumulated deductions, provided that such legislation includes a referendum to the Mayor and the City Council.

The report was accepted, and said resolve was passed.

#### ATTENDANT AT EACH FIELD HOUSE.

Coun. WILSON offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to provide for the presence of an attendant experienced in first-aid assistance, with proper facilities, at each of the field houses on the various playgrounds in the City of Boston.

Coun. WILSON—Mr. President, with reference to that order I might say that on the 27th of June I introduced into the Council an order, which you were kind enough to unanimously pass, as follows:

“Ordered, That the Park Commission be requested, through his Honor the Mayor, to provide first-aid kits for each field house on all playgrounds in the City of Boston, and that the custodian in each case be instructed as to the proper use of the same.”

On the afternoon of the 23d of December, on Franklin Field, a young man from my district, who was playing hockey, was rather seriously injured, with his arm broken, and although the man at Franklin Field did not know just how to handle such cases, he tried to do something, using an old newspaper and a towel to wrap up the arm, and then tried to get the young man's family, to take him to the City Hospital. And so the young man, with the old newspaper and the towel wrapped around his arm, was taken to the City Hospital in a police patrol. I again emphasize the request that I made as long ago as last June. I realize that we are raising money under adverse circumstances, but if children are to use the playground at Franklin Field, which I used many years ago, and which is used by many of the children of the central section of Dorchester, it seems to me there should at least be first-aid provided, and that there should be an attendant reasonably able to give the first-aid. At any rate, first-aid should be available. Therefore I again urge the passage of this order, because I believe it to be a distinct duty to the taxpayers of Boston to afford at a place like that at least a minimum of protection in the way of first-aid for those who may be injured.

The order was passed under suspension of the rule.

ESCALATORS AT NORTHAMPTON STREET STATION AND ASHMONT TERMINAL.

Coun. WILSON offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to consider the early advisability of the installation of an escalator at the Northampton Street Elevated Station.

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to consider the early advisability of the installation of an escalator at the Ashmont Terminal.

Coun. WILSON—Mr. President, I read in the papers not long ago that there is a possibility of an escalator being arranged for at Governor square. While endeavoring not to be selfish, it did occur to me that if the Boston Elevated is in the position to spend any substantial sum of money, one of the first places where an escalator should be provided is at the Northampton Street Station, that is a place where the lame, the halt, the blind, the sick, are continually going to and from the City Hospital. So I believe, if the trustees are looking for the most important points to establish escalators, they should very seriously consider Northampton Street and also the Ashmont Terminal, which is second only to Harvard Square. There are not only the Elevated passengers to be taken care of at that point, but also passengers from the Eastern Massachusetts car lines, some of them coming from many miles out of Boston.

The orders were passed under suspension of the rule.

OPEN-AIR PARKING SPACE LICENSES.

Coun. WILSON offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to grant only temporary open-air parking space licenses until proposed form of new ordinance, with regulations, have been considered by the City Council and the Mayor.

Ordered, That the Committee on Ordinances be requested promptly to consider the matter of a proposed new ordinance concerning licenses for outdoor parking spaces with specific regulations relating to such licenses after consultation with the Board of Street Commissioners and the Law Department.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to include in its regulations relating to licenses for outdoor parking spaces a provision that each licensee post conspicuously on his premises a sign which shall state the limit on the number of cars permitted to be parked in such space according to the terms of the license.

Coun. WILSON—Mr. President, those three orders all concern a possible proposed new ordinance with reference to outdoor parking spaces, which will be especially important now in view of the recent adoption by the City Council of an entirely new schedule of licenses and fees. Unfortunately, we have not yet received from the Law Department a form of new ordinance which will set forth the rules and regulations to govern these parking spaces. In 1934 there were 128 of such licenses, but the number grew rapidly until in 1937 they amounted to 187. We have been informed by the Street Commission that the licenses are issued for these open-air parking spaces on an area basis of about nine cars per thousand square feet. But while, as a mathematical proposition, every car takes up 100 feet of space at the most, as a matter of fact at practically every parking space in the city twice as many cars are parked as are authorized by the license and under the fee that they pay. I therefore urge the passage of this amendment, to be considered by the Board of Street Commissioners and the Law Department, that each licensee shall post conspicuously on his premises a sign stating the limit on the number of cars permitted to be parked in such space according to the terms of the license. That is a regulation that can be easily carried out—having a substantial, large sign posted on each parking space expressly stating the number of cars authorized to park there. I have also in mind in one of these orders I have introduced that these licenses in past years have

run from April 1 to April 1, and with the possibility that the licenses may now be granted from January to January, I urge the passing of the third order I have offered, to the effect that the open-air parking space licenses now granted shall be only temporary, until a proposed form of new ordinance, with regulations, has been considered by the City Council and the Mayor.

The rules were suspended and the orders were severally passed.

UNDERPASS, BLUE HILL AVENUE AND MORTON STREET.

Coun. ROSENBERG offered the following:

Resolved, That the Boston City Council favors the enactment of legislation to provide for the construction of an underpass at the junction of Blue Hill avenue and Morton street, provided that such legislation includes a referendum to his Honor the Mayor and the City Council.

Coun. ROSENBERG—Mr. President, at no other intersection in the City of Boston or perhaps in the suburbs has there been more trouble because of traffic conditions than at that intersection of Blue Hill avenue and Morton street. I believe the passage of such an order as this may be the instrumentality which will cure that trouble. I believe legislation such as is here suggested, providing for the construction of an underpass at this junction, will be a great thing from a public point of view, and that it will greatly facilitate, not only local traffic, but traffic between the North and South Shores, as well as the traffic of people going to and from the center of the city. I trust that the order will pass.

The resolution was passed under suspension of the rule.

TRANSFER OF DORCHESTER HEIGHTS.

Coun. KERRIGAN and MURRAY offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to draft a bill for immediate presentation to the Legislature to provide for the transfer of Dorchester Heights in the South Boston district of the City of Boston to the United States Government in accordance with the national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States, said Dorchester Heights to be a national shrine commemorating the Evacuation of Boston by the British forces on March 17, 1776.

Passed under suspension of the rule.

PAYMENT TO THOMAS E. GOGGIN.

Coun. KERRIGAN and MURRAY offered the following:

Resolved, That the City Council of Boston hereby favors the enactment of legislation for the payment of an annuity of \$1,000 to Thomas E. Goggin, formerly an employee of the City of Boston and County of Suffolk, and an annuity of \$200 to minor child, because of injuries in the course of the employment of said Thomas E. Goggin, provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

SIDEWALKS, WASHINGTON STREET, WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install granolithic or asphalt sidewalks on both sides of Washington street, Ward 19, from Archdale road to Rosindale square, under the W. P. A. plan of construction.

Passed under suspension of the rule.

CONDITIONS IN ASSESSING DEPARTMENT.

Coun. TAYLOR — Mr. Chairman, I ask unanimous consent to make a statement.

Chairman SHATTUCK—The Chair hears no objection.

Coun. TAYLOR—Mr. Chairman, several weeks ago I introduced an order requesting that the Board of Assessors appear before the Executive Committee of the City Council to advise them of conditions existing in the Assessing Department which are costing the City of Boston many thousands of dollars each year, and I hoped that that condition might be changed. It arises, causing a loss of many thousands of dollars to the city, because, I believe, of improper administration in the Board of Assessors. I introduced that order and desired to have the Board of Assessors appear before us by reason of petitions for abatement that have been denied by the assessors and because of the fact that applicants for abatement have had to go before the Board of Tax Appeals at the State House, to attempt to secure an abatement. I pointed out at that time that the Sears Building had been assessed for \$1,300,000, the property owners being willing to settle on the basis of \$1,100,000; that the Board of Assessors, however, refused to settle, and the matter was then tried before the Board of Tax Appeals, who abated the taxes to \$900,000 for a period of four years, resulting in a considerable loss to the City of Boston, a loss of \$300,000 for tax purposes. This is a very important question so far as the City of Boston is concerned. It is more important because small home owners are compelled to go before the Board of Tax Appeals to get an abatement, when the thing, as I view it, should be settled by the assessors. An appeal to the Board of Tax Appeals simply means that small home owners are obliged to hire lawyers and real estate experts to testify before the Board of Tax Appeals, with the result that there is a serious loss and delay to them on that account. To my mind, this is certainly a question that requires investigation. Something must be done to relieve the small home owners of the City of Boston. Nothing is now being done for them. The records show that from 80 to 90 per cent of the appeals to the Board of Tax Appeals at the State House result in decisions in favor of the property owners, with a consequent loss to the city of hundreds of thousands of dollars every year, because of the abatements granted. It would appear that the Board of Assessors turn such cases over to the Tax Abatement Board at the State House in order to relieve congestion in the Assessing Department, and as a result we are getting no assistance from the assessors. I don't know why the Board of Assessors did not see fit to come before the Executive Committee of the Council. I don't think they have anything to hide, and we are certainly entitled to the information they can furnish to us—which information would certainly be important, particularly in view of the fact that there are shortly going to be extensive tax sales of property in the city, and poor widows, who have received no help from the Board in response to their request, find themselves in the position of losing their property, through foreclosure of the banks, when their petitions for abatement will be of no avail. I certainly believe that if ever an investigation was necessary in any department of the City of Boston it is now necessary in the Board of Assessors Department.

#### SIXTH BALLOT FOR PRESIDENT.

Coun. FISH—Mr. President, I move that we now proceed to ballot for the election of President for the year 1939.

The motion was carried. The clerk called the names of each member, the members responding as follows:

For James E. Agnew—Coun. Agnew, Englert, Kerrigan, Murray, Norton, Shattuck, Taylor—7.

For William J. Galvin—Coun. Fish, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Sullivan—9.

For Robert Gardiner Wilson, Jr.—Coun. Chase, Fitzgerald—2.

For John I. Fitzgerald—Coun. Rosenbergh, Wilson—2.

For George A. Murray—Coun. Carey—1.

And there was no choice.

#### SEVENTH BALLOT FOR PRESIDENT.

Coun. NORTON—Mr. President, I move that we take another ballot for President.

Coun. CHASE—Mr. President, Robert Gardiner Wilson, Jr., of Dorchester, is, to my way of thinking, one of the ranking and one of the ablest members of the body. I would consider it a distinct privilege and honor for the Boston City Council to have Mr. Wilson as its presiding officer. His ability and integrity are beyond question, and his conduct during his eleven years of service in the City Council has been highly commendable. This is a non-partisan body, and as such I sincerely hope that the councilors will forget party lines and will do honor to themselves by electing Robert Gardiner Wilson, Jr., to the high office of President of the Council, an honor to Mr. Wilson which will be justly deserved.

Coun. WILSON—Mr. President, I, of course, appreciate not only the consistency of Mr. Chase but the friendly gesture that he has made. I realize, of course, the fact that, next to Councilor Fitzgerald, I am the ranking member of the body. I realize also that other sections of the city have been continually honored by an election of their representative as President of the body, with my votes. That honor has been given to Councilor Donovan, former President, a Democratic representative from East Boston. That honor, too, that has been extended, with my help, to our Democratic friend, Councilor Fitzgerald, from the West End, as well as to councilors from other parts of our city. I realize the honor done me by Councilor Chase, one of our younger members, in saying about me what he has, and in bringing out the fact that this is a non-partisan body. I myself, as I have already stated, have cast ballots for presidents of this body who were not of my own party. I have not Councilor Chase's optimism in thinking that the other members of the body would vote for me as president, because, wrongly, I believe, they are influenced by party considerations. I have not asked any member to cast his ballot for me, but I would like all the members of the Council to know that I appreciate what Councilor Chase, one of the newest members of the Council, has said.

The clerk called the roll, and the members voted for President, with the following result:

For James E. Agnew—Coun. Agnew, Carey, Englert, Fitzgerald, Kerrigan, Murray, Norton, Shattuck, Taylor—9.

For William J. Galvin—Coun. Fish, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Sullivan—9.

For Robert Gardiner Wilson, Jr.—Coun. Chase, Rosenbergh—2.

For John I. Fitzgerald—Coun. Wilson—1.

And there was no choice.

The Council adjourned at 3.53 p. m., on motion of Coun. WILSON, to meet on Monday, January 16, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, January 16, 1939.

Regular meeting of the City Council held in Faneuil Hall at 2 p. m., Coun. SHATTUCK presiding, and all the members present.

## APPOINTMENT BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointment, viz.: Constable of the City of Boston for the term ending April 30, 1939, to serve civil process upon the filing of a bond: Arthur E. Byrnes, 745 Saratoga street, Ward 1.

Laid over a week under the law.

## RESURFACING OF GREENHEYS STREET.

The following was received:

City of Boston,  
Office of the Mayor, January 16, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of November 14, 1938, concerning the resurfacing with smooth pavement Greenheys street, Ward 14, under W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
January 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office,

Sir,—I return order from the City Council requesting that the Commissioner of Public Works resurface with smooth pavement Greenheys street, Ward 14, under W. P. A. type of construction.

Greenheys street will be submitted for approval and construction under a project this year.

Very respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## RECONSTRUCTION OF DANUBE AND DACIA STREETS.

The following was received:

City of Boston,  
Office of the Mayor, January 10, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of November 14, 1938, concerning the reconstructing of Danube street and Dacia street in Ward 13.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
January 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Sir,—I return order from the City Council requesting that the Commissioner of Public Works reconstruct the following streets in Ward 13, under the W. P. A. plan of construction, Danube and Dacia streets.

At the present time Danube street is in A1 shape and repairs are not necessary. Dacia street will be placed on a project for approval and construction this year.

Very respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## RESURFACING WARD 10 STREETS.

The following was received:

City of Boston,  
Office of the Mayor, January 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of December 5, 1938, concerning the resurfacing with smooth pavement the following-named streets in Ward 10: Wyman street, Forbes street, Calumet street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
January 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Sir,—I return order from the City Council requesting that the Commissioner of Public Works resurface with smooth pavement the following-named streets in Ward 10: Wyman, Forbes and Calumet streets.

We will place the above-named streets on project, for approval and construction this year.

Very respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## REPAIRING OF PORTER STREET.

The following was received:

City of Boston,  
Office of the Mayor, January 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of December 19, 1938, concerning the repairing of the sidewalk on Porter street, between Chelsea and Orleans streets.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
January 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Sir,—I return order from the City Council requesting that the Commissioner of Public Works repair the sidewalk on Porter street, between Chelsea and Orleans streets.

We are preparing a project which will replace the old wooden fence at this location with a granite block wall and after the wall is completed an artificial stone sidewalk will be put in place of the brick sidewalk.

Very respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## EXAMINATION FOR AIDE IN PHYSIO-THERAPY DEPARTMENT.

The following was received:

City of Boston,  
Office of the Mayor, January 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the President, Board of Trustees of the Boston City Hospital, relative to your order of December 5, 1938, concerning information as to why a Civil Service Examination was held in 1937 for the position of Reconstruction Aide in the Physiotherapy Department of the hospital.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Hospital Department, January 3, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—At a meeting of the Board of Trustees held on December 30, an order of the City Council was presented, a copy of which I am inclosing herewith.

The trustees wish to inform you that the examination which was held by Civil Service in 1937 was not held at the request of the hospital authorities.

The present position of nurse in the Department of Physiotherapy that is held by Miss Hebbard is the same position that was formerly held by Miss Sophie Sullivan, who was a Boston City Hospital graduate nurse. Miss Sullivan in turn took the place of Miss Holmes, also a graduate nurse, who had filled the position for several years. This position has always been filled by a nurse.

I am attaching a copy of a letter from Dr. Joseph Resnik, Physician-in-Chief, Department of Physiotherapy.

Respectfully yours,  
 JOSEPH P. MANNING,  
 President, Board of Trustees.

City of Boston,  
 Hospital Department, December 12, 1938.  
 James W. Manary, M. D.,  
 Superintendent and Medical Director.

My dear Doctor Manary,—According to a newspaper report, the trustees of the Boston City Hospital were asked to replace the physical therapy nurse, Miss Hebbard, by a reconstruction aide.

Being charged with the supervision of the work of this department, I feel called upon to state that such a change would most likely impair the efficiency of our ward work.

Miss Hebbard took the place of Miss Sophie Sullivan, a nurse. The latter in turn succeeded Miss Holmes, also a nurse. The reason for our having employed for the past few years nurses in this capacity was that in ward work they come in contact with other nurses of the hospital and by virtue of their identical training are able to coordinate their duties effectively.

Miss Hebbard has been carrying on her work in an efficient manner and always showed a desire to cooperate with those she came in contact with.

Respectfully yours,  
 JOSEPH RESNIK, M. D.,  
 Physician-in-Chief for Physical Therapeutics.  
 Placed on file.

**"SLOW" SIGNS ON DORCHESTER AVENUE.**

The following was received:

City of Boston,  
 Office of the Mayor, January 16, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of December 5, 1938, concerning the installation of "Slow" signs along Dorchester avenue, beginning at a point before reaching Columbia road on one end and at a point before reaching Savin Hill avenue on the other end.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Traffic Commission, January 4, 1939.  
 Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated December 5, 1938, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install "Slow" signs along Dorchester avenue, beginning at a point before reaching Columbia road on one end and at a point before reaching Savin Hill avenue on the other end."

"Slow" signs have been erected in Dorchester avenue approaching Savin Hill avenue from either direction and approaching East Cottage street and Crescent avenue in either direction. We feel that the erection of additional "Slow" signs in Dorchester avenue would not be effective but believe that when money is made available that traffic signals should be erected at the intersection of Dorchester avenue and Savin Hill avenue, together with the signals at Columbia road and Dorchester avenue, would break up Dorchester avenue traffic into movements with sufficient time between each movement so that pedestrians wishing to cross the avenue would meet a lull in traffic which should permit them to safely cross the street. It would also assist these drivers coming out of the side streets to make their turns into Dorchester avenue with more safety.

In the past six or seven years there has been at least a 200 per cent increase in the movement of traffic through Dorchester avenue. Removal of the car tracks and the repaving of Dorchester avenue has diverted a lot of traffic through Dorchester avenue. Speed checks made on the avenue show an average of better than 25 miles per hour. Our accident records show that between Harvest street and Doris street in Dorchester avenue there have been eighty-one accidents with three fatalities. Fifty-six of these accidents occurred at intersections and twenty-five occurred between intersections. Pedestrians were the victims in practically all of the between-intersections accidents.

The intersection at Columbia road and the intersection at Crescent avenue and East Cottage street are the main contributors to the accidents in Dorchester avenue. Our records show that many accidents at Columbia road were collision accidents due to quick stops and the pedestrian accidents at this intersection were due entirely to the carelessness of pedestrians in not waiting for the pedestrian period in crossing the street.

Until such time as money can be made available for traffic lights at Savin Hill, I would suggest that the Police Commissioner be requested to have a motorcycle officer patrol Dorchester avenue, from Andrew square to Fields Corner. Observations lead me to believe that just the presence of a motorcycle officer in a street tends to reduce the speed of vehicles ten to fifteen miles an hour.

Respectfully yours,  
 WILLIAM P. HICKEY, Commissioner.  
 Placed on file.

**ACCRUED INCOME OF GEORGE ROBERT WHITE FUND.**

The following was received:

City of Boston,  
 Office of the Mayor, January 16, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the secretary of the George Robert White Fund relative to your order of December 29, 1938, concerning the total amount of annual income of said fund accrued during each of the past four calendar years and as yet unexpended.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 George Robert White Fund,  
 January 7, 1939.

Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on Thursday, December 29, 1938, the following order was passed:

"Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to advise the City Council the total amount of annual income of said fund accrued during each of the past four calendar years and as yet unexpended.

In City Council December 29, 1938. Passed.' and I herewith submit the following information in compliance with the above order:

For the year ending December 31, 1934.....	\$180,268 52
For the year ending December 31, 1935.....	187,948 10
For the year ending December 31, 1936.....	195,222 67
For the year ending December 31, 1937.....	133,569 23
Total.....	<u>\$697,008 52</u>

Balance of the income account of the George Robert White Fund for the year ending December 31, 1938:

Securities (Book Cost).....	\$723,281 37
Cash in bank.....	81,214 02

Balance of unexpended income, \$804,495 39

Very truly yours,  
 CHARLES J. FOX, Secretary.  
 Placed on file.

**BUS LINE, EGLESTON SQUARE-BROOK-LINE VILLAGE.**

The following was received:

City of Boston,  
Office of the Mayor, January 16, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway Company relative to your order of December 29, 1938, concerning the bus line over Egleston Square to Brookline Village.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
January 9, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Sir,—The situation with regard to the bus operation from Egleston Square to Brookline Village was involved with the other bus line over practically the same territory, namely, from Heath street and South Huntington avenue via Centre street to the Dudley Street Terminal, which was granted and is in operation.

The trustees indicated that they could not justify two lines and the councilor in the district through which it operates believed that with the opening of the Allston-Dudley street line, the Heath street-Centre street line more adequately served the territory, and that line is being experimented with at the present time.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

**RELOCATION OF TRAFFIC LIGHTS.**

The following was received:

City of Boston,  
Office of the Mayor, January 16, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of December 29, 1938, concerning the removing of automatic traffic signal lights from locations in the city proper which are covered by traffic officers and relocating the same at dangerous intersections in the suburban sections of the city.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, January 11, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated December 29, 1938, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to consider the advisability of removing automatic traffic signal lights from locations in the city proper which are covered by traffic officers and relocating the same at dangerous intersections in the suburban sections of the city where they are most needed."

Primarily the removal of a traffic signal from one location and the relocation of it in another is not practicable nor economical for the reason that more than 70 per cent of the original cost of installing a traffic signal is for underground construction which must be abandoned at the first location and a similar cost assumed at the new location.

The statement made in the City Council order that locations in the city proper where automatic traffic signal lights are operating are also covered by traffic officers is only a partial truth, because even where traffic officers do function during the day, or part of the evening hours, the signal operates to control traffic when the officer is not present.

The traffic signals in the downtown business district were installed in 1930 and immediately displaced a great many traffic officers. Since 1930, with continued increase in the volume of traffic in downtown Boston, some police supervision has been restored at certain intersections. However, a comparison of figures submitted in 1928 by the Police Department, showing the number of traffic officers then assigned to duty at intersections where signals have since been installed, with figures obtained within a few days from the head

of the police bureau of traffic shows that there are twenty-seven fewer officers assigned to this duty at present than there were prior to the installation of the traffic signals.

A fair figure for the cost to the city of one traffic officer, including his salary, uniform and considering reliefs occasioned by absence due to illness or appearances in court, is \$2,500. It may be seen, therefore, that in the downtown section alone a saving of \$62,500 per annum in police expenditures has been effected by the installation of traffic signals.

Furthermore, this commission feels that the presence of a traffic officer at a signalized intersection does not necessarily improve the control of traffic in all cases. We agree that at certain intersections, such as Summer street, Washington street and Winter street, Boylston street and Charles street, Beacon street and Charles street, it is highly desirable that a traffic officer be assigned to supplement the traffic signal. At other locations it is our belief that the signals will function better without the presence of a police officer and that the police activities might be much better directed to the illegal parking in streets contiguous to the signals.

We are prepared to demonstrate at any time during peak hours of traffic that each and every one of our signals will expeditiously control the movement of traffic if the approaches to and exits from the intersection are cleared of illegally parked cars.

We are aware that there is urgent need for traffic signals at many dangerous intersections in the suburban districts but there are no funds available to this commission at present for the installation of traffic signals.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, when appointed, viz.:

Claims.

Aehillo Aseillo, for compensation for damage to car caused by an alleged defect at Audubon road and Brookline avenue.

Gustave Boudreau, for compensation for damage to car by city ambulance.

Joseph M. Connolly, to be paid for work done on snow removal.

Patrick J. Donelan, to be reimbursed for execution issued against him.

Beatrice G. Duffy, for compensation for injuries caused by an alleged defect in Washington street.

Charlotte Goldstein, for compensation for injuries caused by city truck.

Philip Goldstein, for compensation for injuries caused by city truck.

Fairmount Laundry, for compensation for damage to property at 8 Euclid street, caused by hydrant being opened.

Marion Harrington, for compensation for damage to car caused by an alleged defect at Poplar and Glendower streets.

Mary R. Long, for compensation for injuries caused by an alleged defect in Adams street.

Mary MacDonald, for compensation for injuries caused by an alleged defect at Massachusetts avenue and Harrison avenue.

Mrs. Moran, for compensation for loss of umbrella at Parker Hill Branch of Public Library.

Samuel A. Morrison, for compensation for injuries caused by city truck.

John E. Murphy, for compensation for injuries caused by an alleged defect at Fallon Field.

Edward H. Mutch, for compensation for loss of teeth at City Hospital.

Alice V. Rice, for compensation for injuries caused by an alleged defect at 25 Lorraine street.

Edward J. Rockett, for compensation for damage to clothing caused by an alleged defect at 321 North street.

Elizabeth E. Taylor, for compensation for injuries to dog by city truck.

William L. Yorke, for compensation for damage to car caused by an alleged defect in Boylston street.

Committee on Ordinances.

Petition of Henry Lesser, trustee, for permit for driveway opening at 1271 Dorchester avenue, Ward 15.

## Executive Committee.

Petition of Readville Greyhound Association that permission be granted for dog racing on certain land in the Readville section.

## CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Chairman SHATTUCK called up, under unfinished business, Nos. 1, 2 and 3 on the calendar, viz.:

1. Action on appointment submitted by the Mayor January 3, 1939, of David Kaplan to be a Constable with authority to serve civil process upon filing bond.

2. Action on appointments submitted by the Mayor January 3, 1939, of Richard D. DeWolfe, Walter Lehman, Huey McKenzie and Duane P. Blanchard, to be Weighers of Coal; and Harold R. Caro, to be a Measurer of Leather.

3. Action on appointments submitted by the Mayor January 9, 1939, of Fred Holway and Waldo Malone, to be Weighers of Coal.

The question came on confirmation. Committee, Coun. Irwin and Agnew. Whole number of ballots 13, yes 11, no 2, and the appointments were confirmed.

## APPOINTMENT OF GRAVES REGISTRATION OFFICER.

Notice was received from the Mayor of appointment of Richard F. Tobin, 170 Roslindale avenue, Roslindale, now employed by city as special investigator and attached to Soldiers' Relief Department, to be Graves Registration Officer for term ending December 31, 1939.

Placed on file.

## INDORSEMENT OF MAYOR'S LEGISLATIVE BILLS.

Coun. CAREY offered the following:

Whereas, The City of Boston is confronted with unusual and fixed expenditures; and

Whereas, Certain expenditures of the City of Boston are obligations imposed upon the city originally by the Massachusetts Legislature; therefore be it

Resolved, That the Boston City Council hereby indorses the adoption by the Massachusetts Legislature of the following bills submitted by his Honor Mayor Tobin:

Amendment of chapter 500, Acts of 1938, relating to the use of unexpended balances of the Highway Fund.

Reimbursement of cities and towns by the Commonwealth for care and treatment of certain needy persons.

Distribution of certain portions of Highway Fund to cities and towns.

Because the enactments of these bills will effect a reduction in the tax rate of the City of Boston, the Boston City Council instructs its individual members, in addition to the Council Committee on Legislative Matters, to appear before the proper committees of the Legislature, and further requests the support of organizations and associations such as the Boston Chamber of Commerce, the Municipal Research Bureau, the Boston Real Estate Exchange, the Real Estate Owners and Tenants League of Boston, the Massachusetts Real Estate Exchange, the Massachusetts Taxpayers' Association, and similar associations, to adopt resolutions favoring the passage of the above-named bills and to send representatives to favor them before the proper legislative committees; and be it further

Resolved, That the Legislative Agent for the City of Boston inform the members of the City Council when hearings on the above bills are to be held; and be it further

Resolved, That copies of this resolution be sent to the above-named organizations and associations.

Passed under suspension of the rule.

## TRANSFER OF DORCHESTER HEIGHTS.

Coun. KERRIGAN and MURRAY offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation to

provide for the transfer of Dorchester Heights to the United States Government to be maintained as a national shrine.

Passed under suspension of the rule.

## PERMANENT EMPLOYMENT OF JOHN NEWTON.

Coun. HARRIS offered the following:

Resolved, That the City Council of Boston hereby favors the enactment of legislation authorizing the permanent employment in the Park Department of John Newton, formerly a temporary employee of that department, provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

## RECESS.

The Council voted at 2.26 p. m., on motion of Coun. TAYLOR, to take a recess subject to the call of the Chair. The members reassembled and were called to order by Chairman SHATTUCK at 2.53 p. m.

## EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petition of Readville Greyhound Association (referred January 16) for permission to conduct dog racing meetings in the Readville section of Boston — recommending the passage of accompanying order, viz.:

Ordered, That the City Council of Boston hereby consents to the laying out and use for a race ground for dog racing of such part of the following-described parcel of land as lies within the boundaries of the City of Boston, viz.:

A certain parcel of land lying partly in the City of Boston, County of Suffolk, and partly in the Town of Dedham, County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Northwesterly 2,770 feet, more or less, by the extension southwesterly of the northwesterly side line of Prescott street;

Northeasterly 290 feet, more or less, by land of owners unknown and by the southwesterly end of Hyde Park avenue;

Northwesterly again 50 feet by the southeasterly side line of Hyde Park avenue;

Northeasterly again 560.23 feet by land of owners unknown in a line which forms an angle of 89°-56'-54", in the northeasterly quadrant, with said southeasterly side line of Hyde Park avenue;

Northwesterly again 50 feet by the southeasterly side line of Clifford street;

Northeasterly again 120 feet by land of owners unknown in a line which forms an angle of 89°-56'-54", in the northeasterly quadrant, with said southeasterly side line of Clifford street;

Southeasterly 48 feet by land of owners unknown in a line parallel to said southeasterly side line of Clifford street;

Northeasterly again 42 feet by land of owners unknown in a line which forms an angle of 89°-56'-54", in the northeasterly quadrant, with the last above described line;

Southeasterly again 2 feet by land of owners unknown in a line which forms an angle of 90°-03'-06", in the northwesterly quadrant, with the last above described line;

Northeasterly again 489.96 feet by land of owners unknown in a line which forms an angle of 89°-56'-54", in the northeasterly quadrant, with the last above described line; and

Southeasterly again 3,445 feet, more or less, in an irregular line, by land of the Neponset River Reservation;

Containing 58 acres, more or less, and being that part of the Readville Trotting Park, so called, which lies southeasterly of the northwesterly side line of Prescott street extended southwesterly.

The report was accepted and the order was passed.

**SOLDIERS' RELIEF.**

Coun. IRWIN, for the Committee on Soldiers' Relief, submitted report recommending passage of an order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of January.

Report accepted; said order passed.

**EIGHTH BALLOT FOR PRESIDENT.**

On motion of Coun. FITZGERALD, the Council voted to take a ballot for President for the year.

The motion was carried; the clerk called the names of the members who responded as follows:

For William J. Galvin—Coun. Fish, Galvin, Harris, Hutchinson, Irwin, Kelly, Lyons, Sullivan, Langan—9.

For George A. Murray—Coun. Agnew, Englert, Fitzgerald, Kerrigan, Murray, Norton, Taylor—7.

For John B. Kelly—Coun. Carey—1.

For Robert Gardiner Wilson—Coun. Rosenberg, Shattuck—2.

For Henry L. Shattuck—Coun. Wilson—1.

And there was no choice.

**SCHOOL COURSES RECOMMENDED.**

Coun. ROSENBERG offered the following:

Ordered, That the School Committee be requested, through his Honor the Mayor, to reconsider their action in connection with the establishing of a six-year evening course at the Central Evening High School in order that Boston may keep in line with other progressive cities and counties.

Ordered, That the Boston School Committee be requested, through his Honor the Mayor, to rescind the present regulation calling for a four-year minimum age limit for children entering the kindergarten, and establish in place thereof, the rule permitting the entrance of children who are four years of age on or before October 1st of the year of their application for entrance into the kindergarten.

Coun. ROSENBERG—Mr. President, I noticed recently that the Boston School Committee, after a good deal of study, negatived the idea of starting a six-year evening high school which would be equivalent to the four-year day school for those who wish to get a diploma and to be admitted to different colleges. At the present time graduates of the evening high school, although they may get an evening high school diploma, find that their marks are not accepted in the higher institutions of learning. Sometime ago I introduced an order into this body requesting that the School Committee make a survey with a view to possibly establishing a program in the Central Evening High School by which young people there might be prepared for continuation of their work in different colleges and universities, the idea being that students completing a six-year course of study in that evening high school would then be entitled to a regular high school diploma, which could be used for college entrance. I might say that such programs in evening high schools are now established in New York, Detroit, St. Louis, Baltimore, Cleveland and Chicago; and surely Boston, which is perhaps known as the greatest educational center in America, should be able to keep step with these other communities in that respect, establishing a six-year evening high school course which would render those who successfully pass it eligible for college entrance and placing Boston on an educational footing in this respect with other large cities of the country. I trust therefore that the School Committee will deem it advisable to reconsider its action in this matter. I am not asking that such a program be established in all the evening high schools, but simply in the Central Evening High School in the English High School building, which I believe is the pioneer of the evening high school systems which have been adopted in the country. I think Boston might well, in the line of educational progress, adopt such a program here, giving a diploma for a six-year course in the Central Evening High School that would be equivalent to the diploma now received in the four-year day course, and rendering college entrance possible to those who receive the diploma. Speaking on the other order, that the Boston

School Committee be requested to rescind their present regulation calling for a four-year minimum age limit for children entering the kindergarten, I believe if the School Committee establishes in place of that regulation a rule permitting the entrance of children who are four years of age on or before October 1st of the year of their application for entrance into the kindergarten, they will be acting in conformity with the practice in other cities and towns, not only in Massachusetts but in other states. Children of such age, possessing the requisite intelligence, I believe should be admitted into kindergarten if they are four years of age on or before October 1st of the year of their application for entrance. I trust that the School Committee in their wisdom will reconsider both actions and consider favorably both the six-year evening high school program as an equivalent for the four-year day program and allowing the entrance to the kindergartens of children who are four years of age on or before October 1st of the year of their application for entrance. Therefore I move the passage of both orders.

The orders were referred to the Executive Committee.

**MUNICIPAL STADIUM, WARD 16.**

Coun. FISH offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to request sufficient funds from the P. W. A. authorities in Washington to provide for the erection of a municipal stadium on the Neponset Playground in Ward 16.

Passed under suspension of the rule.

**REMOVAL OF TRACKS ON DORCHESTER AVENUE.**

Coun. FISH offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to remove the tracks on Dorchester avenue, from Peabody square to Gibson street, and replace the present inadequate service with efficient bus service.

Passed under suspension of the rule.

**SIDEWALKS ON GALLIVAN BOULEVARD.**

Coun. FISH offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install sidewalks on both sides of Gallivan Boulevard, from Neponset Circle to Woodfield street, Ward 16, under the W. P. A. plan of construction.

Passed under suspension of the rule.

**NON-SUPPORT PROCEEDINGS.**

Coun. TAYLOR offered the following:

Ordered, That the Executive Director of Public Welfare be requested, through his Honor the Mayor, to see to it that all employees of the department are instructed not to advise any woman to start non-support proceedings in any criminal court against her husband until a thorough investigation has been made and it has been definitely determined that the husband wilfully refuses to support his wife and family.

Coun. TAYLOR—Mr. President, I think the Welfare Department of the City of Boston should be ashamed of themselves. I say so because of certain conditions that are extant today in that department, something that happens daily. Just think of it! Take the case of a man unable to provide for his wife and children due to the fact that he is unable to secure work because of conditions over which he has no control. The mother of the children applies for aid at the Welfare Department. She is notified by some employee of the department to ask the criminal court to issue a warrant against her husband for non-support before she will be able to secure that relief for which she is seeking. That is a damnable condition in our Welfare Department and should be stopped. No woman who has any respect for her husband, just because she needs bread and butter for herself and children, should be compelled to go to the criminal court to seek such a complaint against her husband, although she is told that

that is the only way in which she can secure aid. I spoke this morning with a judge of the court, and he told me that that was a terrible condition, and he said it seemed as if the Welfare Department were trying to place on the courts the duty of investigating such cases. But these poor women are told that unless they follow this procedure they will not get their aid. Of course we all know that the courts keep these records and that there will be this perpetual record and stigma against the individual who failed to provide for his wife and children, notwithstanding the fact that he was unable to do so because of his circumstances. Why should there be that blot upon his record? Why should he be compelled to suffer the stigma of such a criminal proceeding? I don't think the City of Boston officials have any moral right to do such a thing and I believe his Honor the Mayor will take the matter into his own hands and serve notice upon the Executive Director of Public Welfare that this sort of thing must not go on, that men who are unable because of circumstances over which they have no control at the present time to provide for their wives and families should not be subjected to the ignominy of such a terrible proceeding.

Coun. CAREY—Mr. President, I think anything of this sort which may have happened has been due to the fact that the present director has been on the job for only three or four months, and I believe we should not do anything that would tend to reflect on his judgment at this early date. I think it is only fair to refer the matter to the Executive Committee, and to have the director come before us so that we may get his ideas and arrive at a better understanding of what really is happening between the recipients of aid and the Welfare Department.

Coun. TAYLOR—Mr. President, in answer to what Councilor Carey has stated, an order similar to this has been introduced before several times, and no action has been taken by the Welfare Department or anybody else. The order specifically states that no non-support proceedings shall be started in any criminal court against her husband by a wife until a thorough investigation has been made and it has been definitely determined that the husband wilfully refuses to support his wife and family. I still do not think that the employees of the Department of Public Welfare should advise any woman to start such proceedings in a criminal court until the department has made a thorough investigation and it has been determined that the husband has wilfully refused to support his wife and family.

Coun. CAREY—And I still think, Mr. President, that the director would not approve of the methods we are told have been in vogue, and I think he should be heard.

Coun. LYONS—Mr. President, it has been pointed out to me that this is more or less in line with the recent rule of the W. P. A. that wives must obtain either legal separation or divorce before they can benefit under W. P. A. rules.

Coun. TAYLOR—This has nothing to do with W. P. A., but concerns welfare aid in the City of Boston.

Coun. ROSENBERG—Mr. President, I have noticed recently that in one of the answers to questions recently asked of the Director of Public Welfare he stated that he was entirely opposed to having frivolous complaints made out against husbands who have been providing for their wives and families. I think, therefore, that perhaps the best thing to do with the order would be to refer it to the Executive Committee and to have the Director of Public Welfare sent for, in order to explain the working of the department in the matter of applications for aid by mothers. I move, therefore, that the order be referred to the Executive Committee so that we may call upon the Director of Public Welfare to explain the program of the department.

Coun. GALVIN—Mr. President, about five weeks ago I introduced an order similar to the one that has been offered by Councilor Rosenberg. After a follow-up I found that the director did not have the power to act upon it, but that it came before the Board of Trustees of Public Welfare. I believe that that is the proper board to act upon this matter, and I move that you bring the trustees to the Council.

The order was referred to the Executive Committee, with a request that the trustees come before that committee at the next meeting of the Council.

#### ATTENDANCE OF BOARD OF ASSESSORS.

Coun. TAYLOR offered the following:  
Ordered, That the Executive Committee of the City Council be requested to obtain the attendance of the Board of Assessors at its next meeting on January 23, 1939.

Coun. TAYLOR—Mr. President, in December I introduced a similar order into this body asking that the Board of Assessors appear here and explain certain facts pertaining to their department which are costing the City of Boston thousands of dollars. Many weeks have elapsed since then, and we have not seen the Board of Assessors. I don't know why not. This is a very important question, as far as the City of Boston is concerned, and I would like to see them here. If they do not come, my next order will be for an investigation of the Board of Assessors by the Finance Commission.

The order was passed under suspension of the rule.

#### MILK ALLOWANCE TO WELFARE RECIPIENTS.

Coun. HUTCHINSON offered the following:  
Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to increase the milk allowance to welfare recipients.  
Passed under suspension of the rule.

#### NINTH BALLOT FOR PRESIDENT.

Coun. FITZGERALD offered the following:  
Ordered, That the Council proceed to ballot for President until four o'clock unless a choice is reached sooner.

Chairman SHATTUCK—The Chair rules the order out of order.

Coun. FITZGERALD — Mr. Chairman, I move that we now proceed to ballot for President for the year.

The motion was carried; and the members, when their names were called by the clerk, announced their choice as follows:

For George A. Murray—Coun. Agnew, Carey, Englert, Fitzgerald, Kerrigan, Murray, Norton, Rosenberg, Taylor—9.

For William A. Galvin—Coun. Fish, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Sullivan—9.

For Robert Gardiner Wilson, Jr.—Coun. Shattuck—1.

For Henry L. Shattuck—Coun. Wilson—1.  
And there was no choice.

#### TENTH BALLOT FOR PRESIDENT.

On motion of Coun. AGNEW, the Council proceeded to take another ballot for President for the year.

The members, when their names were called by the clerk, announced their choice as follows:

For George A. Murray—Coun. Agnew, Englert, Fitzgerald, Kerrigan, Murray, Norton, Rosenberg, Shattuck, Taylor—9.

For William J. Galvin—Coun. Fish, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Sullivan—9.

For Francis W. Irwin—Coun. Carey—1.

For Henry L. Shattuck—Coun. Wilson—1.  
And there was no choice.

#### PENSION OF EDWARD F. HARRINGTON.

Coun. LANGAN offered the following:  
Ordered, That the City Council of Boston hereby favors the enactment of legislation providing for the retirement of Edward F. Harrington on full pay because of a severe head injury sustained while in the performance of his duty as a member of the Boston Police Department and which incapacitates him from further work of any kind, provided such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

REINSTATEMENT OF PAUL A. PETZOLD.

Coun. NORTON offered the following:

Resolved, That the City Council of the City of Boston hereby favors the enactment of legislation authorizing the reinstatement of Paul A. Petzold as a member of the Boston Police Department, provided that such legislation contains a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

RETIREMENT OF WILLIAM S. KENNEY.

Coun. WILSON offered the following:

Ordered, That the Retirement Board for Laborers be hereby authorized and requested to retire under the provisions of chapter 765 of the Acts of 1914, as amended by chapter 63 of the Special Acts of 1915, William S. Kenney, employed in the labor service of the City of Boston in the Park Department.

Passed under suspension of the rule.

AMENDMENTS TO BUILDING CODE.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel, through his Honor the Mayor, be requested to at once file with the Massachusetts Legislature petition for such legislation as may amend the Acts of 1938, chapter 479, by adding a new section to said act in order to permit further changes in our amendments to such building law code by the City Council of Boston with the approval of the Mayor on the written recommendation by either the Building Commissioner or the Board of Appeal.

Coun. WILSON—Mr. President, we are all familiar with the hearings that have been going on on the proposed building code according to the statute passed by the last Legislature. Boston is the only city in Massachusetts, and I think perhaps the only large city in the country, that has not the privilege of changing or amending its building code without application to the Legislature. There has been a new building code drawn up by the Legislature, which has now been presented to us after years of effort. Many of us feel that the building code should be left as it is until there is an amendment to the statute which will give to the City Council of Boston and the Mayor—I assume on the recommendation of the Building Commissioner and the Board of Appeal—the right to change the code, really making it a city ordinance. The matter is still up in the air, and I think action should be taken before it is too late. I realize that the time has passed for filing petitions in the Legislature, but we know that through favorable action of the proper committee of the Legislature, these matters can be introduced. I trust, therefore, that the Corporation Counsel, through his Honor the Mayor, will be requested to at once file with the Massachusetts Legislature a petition for the addition of a new section to the proposed building code, chapter 479 of the Acts of 1938, which will permit further changes in the building code by the City Council of Boston, with the approval of the Mayor, on the written recommendation by either the Building Commissioner or the Board of Appeal. I trust, therefore, that this order will be passed, so that we may not have the new building code lying on the table indefinitely.

Coun. TAYLOR—Mr. President, I might say that I am totally in accord with the councilor's order, because it is about time that the City of Boston should be allowed to make rules or laws regarding its own building code. I understand that we are the only city in the United States that does not have the right to amend its own building code.

Chairman SHATTUCK—The Chair will state that the Corporation Counsel has already filed such a bill.

The order was passed under suspension of the rule.

TEMPORARY PERMITS FOR TAXICABS.

Coun. WILSON offered the following:

Ordered, That the Police Commissioner, through his Honor the Mayor, be requested, in the case of

any special stand permit for taxicabs issued during 1939, to provide that such permit be temporary only until report is filed by the City Council Committee on Public Safety on the question of adoption of provisions of statute considered by the voters on November 8, 1938.

Coun. WILSON—Mr. President, according to testimony introduced last week before the Special Committee of the Council considering this matter, I understand that taxicab permits are usually issued by the Police Commissioner on the first of February, and remain in force for a year. I do not know, of course, that our committee will or will not be prepared to report before February 1st, but they might well not be able to do so, and in that event the Police Commissioner might issue licenses on February 1, 1939, which would be good for a year. Of course, we don't want to get into any legal tangles and, therefore, I have introduced this order at this time so that, before our committee has made its report, if the Police Commissioner should issue these taxicab licenses they might be issued on a temporary basis only, awaiting further action.

The order was passed under suspension of the rule.

ELECTION OF PRESIDENT.

On motion of Coun. AGNEW, the Council voted to take another ballot for President for 1939.

The members, when their names were called, announced their choice as follows:

For George A. Murray—Coun. Agnew, Chase, Englert, Fitzgerald, Irwin, Kerrigan, Langan, Murray, Norton, Rosenberg, Shattuck, Taylor, Wilson—13.

For Edward A. Hutchinson, Jr.—Coun. Carey, Fish, Galvin, Harris, Hutchinson, Kelly, Lyons, Sullivan—8.

Before the result was announced, the following changes were made, from Coun. Hutchinson to Coun. Murray:

Coun. Carey, Sullivan, Fish, Harris, Hutchinson, Lyons.

Coun. Galvin changed to Coun. Sullivan, and Coun. Kelly changed to Coun. Lyons.

The result as announced was as follows:

George A. Murray—19.

Maurice H. Sullivan—1.

Theodore F. Lyons—1.

And Coun. George A. Murray was declared elected President of the City Council for the year 1939, amid applause.

Chairman SHATTUCK appointed as a committee to escort President Murray to the chair Coun. Irwin and Sullivan. The committee performed the duty assigned. (Applause.)

President MURRAY, in taking the chair, said: If I may, gentlemen, I would like to take this opportunity of thanking the members of the body for selecting me as their President for the year to come and I would also thank the couple who saw fit to cast their votes for other candidates. I sincerely hope that we will all enjoy each other's company and will each and all have a successful year. (Applause.)

Later in the session Coun. GALVIN said:

Mr. President, I move that the vote for President of the City Council be made unanimous.

President MURRAY—The Chair is forced to rule the motion out of order.

DAY OFF IN SEVEN FOR POLICE.

Coun. NORTON offered the following:

Ordered, That the Mayor of Boston be requested to consider the advisability of looking into the matter of granting the Boston police one day off in seven provided it means no additional expense to the city for police protection.

Coun. NORTON—Mr. President, I would like to ask the Mayor to consider the advisability of granting the one day in seven, as pointed out by the order. It seems to be the established practice of the civilized world.

The order was passed.

## RESURFACING OF TELFORD STREET.

Coun. SULLIVAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth pavement, under the W. P. A. plan of construction, Telford street, Ward 22.

Coun. SULLIVAN—Mr. President, Telford street, Ward 22, is a street that badly needs attention, and I trust that this may be taken up by the Mayor, through the Commissioner of Public Works, with a view to resurfacing the street with smooth pavement under the W. P. A. plan of construction. This is a work that should be done. It will make Telford street a much better street, and will greatly improve the property in the neighborhood.

The order was passed under suspension of the rule.

## PAY OF INJURED EMPLOYEES.

Coun. IRWIN offered the following:

Resolved, That the Boston City Council hereby favors the acceptance of chapter 403 of the Acts of 1936 providing for the compensation to per diem men when forced to remain at home on account of injuries received in the performance of duties.

Passed under suspension of the rules.

The Council adjourned, on motion of Coun. KERRIGAN, at 3.35 p. m., to meet on Monday, January 23, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Faneuil Hall, January 23, 1939.

Regular meeting of City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair and all the members present.

## VETO OF BLUE HILL AVENUE UNDER-PASS.

The following was received:

City of Boston,

Office of the Mayor, January 23, 1939.

To the City Council.  
Gentlemen,—I return herewith without my signature and disapproved the resolution of your Honorable Body relative to the construction of an underpass at the junction of Blue Hill avenue and Morton street. The necessity for the resolution was the introduction of a bill in the Legislature providing for the borrowing of money by the city outside the debt limit for the construction of the underpass, which bill, under the joint rules, requires the approval of the Mayor and City Council.

There is no doubt that an underpass at Blue Hill avenue and Morton street would greatly improve traffic conditions at that point and would especially benefit through traffic bound south from Boston. However, I do not consider that the City of Boston should assume the burden of financing this project by loan, either inside or outside the debt limit, and accordingly disapprove the resolution.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

## VETO OF MUNICIPAL BUILDING NEAR FRANKLIN FIELD.

The following was received:

City of Boston,

Office of the Mayor, January 23, 1939.  
To the City Council.

Gentlemen,—I return herewith without my signature and disapproved the resolution of your Honorable Body in favor of legislation for the construction of a municipal building in the vicinity of Franklin Field. In 1931, by chapter 294, the Legislature authorized the city to borrow, outside the debt limit, the sum of \$500,000 for this purpose, but presumably on account of conditions no action was taken under that act. The occasion of the introduction of the resolution is to obtain new authority to borrow outside the debt limit for the construction of the building. While I have every sympathy to the efforts of the people of the district to obtain this improvement the city is in no financial condition to undertake any capital expenditures of this nature, and I, therefore, feel obliged to veto the resolution.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

## VETO OF DOG RACING, READVILLE.

The following was received:

City of Boston,

Office of the Mayor, January 23, 1939.  
To the City Council.

Gentlemen,—I return herewith without my signature and disapproved the order of your Honorable Body consenting to the use for dog racing purposes of the land in Readville known as the Readville Trotting Park.

Undoubtedly, the order was adopted relying on the facts that Suffolk County and the ward in which the land is located voted heavily in favor of allowing both horse and dog races and that if any property in this city is to be used for these purposes it would be difficult to find a less objectionable location.

However, since the action of your Honorable Body opposition has developed to such an extent and of such a character that it is almost imperative that I withhold my approval.

I therefore take this action without entering into any discussion or consideration of the moral or financial aspects of dog racing.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments:

Weighers of Coal: Walter Lehman, 68 Orbard street, Medford, Mass.; Huey McKenzie, 3001 Washington street, Jamaica Plain, Mass.; Phyllis Cassari, 47 Warren avenue, Charlestown, Mass.

Constables of the City of Boston to serve without bond: Anthony Hanna, 521 Shawmut avenue, Ward 9; Charles L. Forristall, 40 Pinckney street, Ward 5.

The individuals above named are replacements of constables who have resigned from the city service.

Severally laid over a week under the law.

## SPECIAL TAXI STAND PERMITS FOR 1939.

The following was received:

City of Boston,

Office of the Mayor, January 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of January 16, 1939, concerning special stand permits for taxicabs issued during the current year.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Police Department, January 18, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your communication of January 17, inclosing copy of order of the City Council, dated January 16, relating to special stand permits for taxicabs issued during the current year, and providing that such permit be temporary only until the report is filed by the City Council Committee on Public Safety, on the question of adoption of provisions of statute considered by the voters on November 8, 1938.

You will please be advised that this order will receive my earnest consideration.

Very truly yours,  
JOSEPH F. TIMLTY,  
Police Commissioner.

Placed on file.

## CONSTRUCTION OF ELTON AND VICTOR STREETS.

The following was received:

City of Boston,

Office of the Mayor, January 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of December 19, 1938, concerning the construction of the following streets: Elton street and Victor street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
January 14, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface the following streets in Ward 13, under the W. P. A. plan of construction: Elton street and Victor street.

Kindly be advised that I will have the above-named streets submitted on a W. P. A. project for construction this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## CONSTRUCTION OF WARD 10 STREETS.

The following was received:

City of Boston,  
Office of the Mayor, January 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of December 19, 1938, concerning the construction of the following streets: Wyman street, Wait street, Alleghany street, all in Ward 10.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
January 14, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface the following streets in Ward 10 under the W. P. A. plan of construction: Wyman street, Wait street, Alleghany street.

Please be advised that Wyman and Wait streets will be submitted on a W. P. A. project for construction this year.

Alleghany street, from Terrace to Parker streets, will likewise be submitted on a W. P. A. project. That portion of Alleghany street from Parker to Calumet streets is a private way and will have to be accepted by the Board of Street Commissioners, Room 401, City Hall Annex, before this department is able to give it any consideration in the matter of construction.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

FIRST-AID ASSISTANCE ON  
PLAYGROUNDS.

The following was received:

City of Boston,  
Office of the Mayor, January 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of January 9, 1939, concerning the provision of an attendant experienced in first-aid assistance, with proper facilities, at each of the field houses on the various playgrounds in the City of Boston.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, January 16, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I am in receipt of memo. from your office under date of January 11, 1939, with inclosure, order from the City Council relative to providing for the presence of an attendant experienced in first-aid assistance, with proper facilities, at each of the field houses on the various playgrounds in the City of Boston.

Our athletic instructors on each playground are competent to render first-aid to any person injured while they are on duty, and the matrons at the various playgrounds are competent to tie a bandage.

I will make provision in the budget for necessary medical supplies, so that each field house may have first-aid equipment.

Respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

GIFT OF LAND TO CITY FOR  
PLAYGROUND.

The following was received:

City of Boston,  
Office of the Mayor, January 23, 1939.  
To the City Council.

Gentlemen,—In 1919 Sarah Frances King Nash deeded to the City of Boston a certain parcel of land located at Mill and Mt. Vernon streets, Dorchester, to be used as a playground for small children, said land, however, to be held in trust by the Massachusetts Homeopathic Hospital just so long as the said land is used for hospital purposes.

The Massachusetts Homeopathic Hospital is no longer using this parcel of land for hospital pur-

poses, and has offered to release all its rights in said land to the City of Boston. The accompanying order is for the purpose of accepting the provisions of the deed of the above-mentioned Sarah Frances King Nash, giving to the City of Boston absolute title to the said parcel of land for playground purposes. I recommend passage of this order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, December 12, 1938.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I am inclosing a proposed order to be introduced in the City Council, providing the matter meets your Honor's approval.

You will doubtless remember that by a letter dated August 3, 1938, I replied to a communication from your office relative to the acceptance by the City of Boston of the property situated at the corner of Mill street and Mt. Vernon street, Dorchester, for playground purposes. By a letter dated July 21, 1938, Mr. William P. Long, Chairman of the Park Department of the City of Boston, addressed to Mr. William E. Burke, who was then Assistant Corporation Counsel in this office, stated in effect that he had no funds to maintain the said premises as a playground. By a letter dated October 17, 1938, and addressed to Mr. Walter J. O'Malley, Assistant Corporation Counsel, Mr. William P. Long, Chairman of the Park Department, stated:

"This department has no funds for the construction of this playground, but I will make up a project and have the work done by the Federal Government; but the maintaining of same as a children's playground will have to be taken care of by the City in 1939."

A petition for instructions has been filed in the Probate Court for the County of Suffolk by the Massachusetts Memorial Hospitals which in effect sets forth that the said premises are no longer being used for hospital purposes and that the said Massachusetts Memorial Hospitals wishes to be relieved of the trust set forth in the deed of the said premises to the Massachusetts Homeopathic Hospital, now the Massachusetts Memorial Hospitals, by Sarah Frances King Nash.

The Massachusetts Memorial Hospitals set forth that it is willing to convey the said premises to the City of Boston or to the heirs of the said Sarah Frances King Nash. The description of the said premises is set forth in the accompanying order, as are also the provisions of the trust under which the said premises must be held.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Whereas, By deed dated November 20, 1919, and recorded with Suffolk Deeds, Book 4184, page 369, Sarah Frances King Nash, widow, of Brookline, County of Norfolk and Commonwealth of Massachusetts, conveyed in trust to the Massachusetts Homeopathic Hospital, a corporation organized under the laws of the Commonwealth of Massachusetts and now known as the Massachusetts Memorial Hospitals, a certain parcel of land with the buildings thereon, situated in that part of Boston called Dorchester and bounded and described as follows:

"Beginning at the corner of Mill street and Everett street, thence running northwesterly on Everett street two hundred and thirty-five (235) feet, more or less, to Elm street; thence running southwesterly by said Elm street two hundred and fifty-eight (258) feet, more or less, to land formerly of Pope; thence running southeasterly by said last mentioned land seventy-five (75) feet, more or less, to land formerly of E. T. Loring; thence running northeasterly seventy (70) feet, more or less, by said land formerly of Loring; thence running southeasterly again by said land formerly of Loring two hundred and one and 2-10 (201.2) feet, more or less, to Mill street; thence running northeasterly again by Mill street one hundred and eighty-eight (188) feet, more or less, to the point of beginning, containing 50,610 square feet, more or less. For my title see will of my late father, Franklin King, duly probated in Suffolk County and deed of Samuel G. King and others, trustees under the will of said Franklin King, to me dated December 29, 1898, and recorded with Suffolk Registry of Deeds, Book 2580, page 632. See, also, deed of Robinson to King recorded with Norfolk Deeds, Book 142,

page 125; deed of Robinson to King recorded with said Norfolk Deeds, Book 151, page 67; and deed of Loring to King recorded with Suffolk Deeds, Book 2269, page 351.

and Whereas, The said Massachusetts Homeopathic Hospital under the provisions of said deed obtained title to the said premises to be held in trust by it as follows:

" . . . to preserve and keep the buildings and fences now on, or hereafter placed upon, the premises in good repair and condition, with the right to remove any and all such buildings and fences (the dwelling house now on the premises if removed to be demolished) and to erect a new structure or structures for hospital purposes thereon; to improve and occupy the granted premises for its own hospital purposes only; to pay all charges and assessments of every kind upon or against the same; this trust for the benefit of said Massachusetts Homeopathic Hospital to continue so long and so long only as said hospital shall perform each and all of said provisions of trust; and thereafter in trust for the City of Boston to be used and occupied by said city as a playground for young children approximately under the age of twelve years, and to convey the same to said city if necessary to vest title thereto in it, but if the trust for the benefit of the said hospital shall terminate within twenty-one years of the date of this deed and the dwelling house now on the premises shall at that time be standing thereon, the right of the City of Boston to use and occupy the same shall be subject to the condition precedent that the said city shall tear down and remove the same."

and Whereas, The said Massachusetts Homeopathic Hospital is no longer using the said premises for hospital purposes and has offered to convey the said premises to the City of Boston to be held by it under the provisions of said deed; now, therefore, it is hereby

Ordered, That the conveyance of the above mentioned premises described in a deed to the City of Boston from the said Sarah Frances King Nash, dated November 20, 1919, and recorded with Suffolk Deeds, Book 4184, page 369, be, and the same hereby is, accepted by the City of Boston, according to the provisions and terms set forth in said deed.

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, when appointed, viz.:

Claims.

Asaph Churchill Company, for compensation for damage to property at 293 Congress street, caused by water being shut off.

Roma Delaney, for compensation for injuries caused by an alleged defect in Strathcona road.

C. H. Graves & Sons Company, for compensation for damage to truck by city truck.

Mary R. Kraatz, for compensation for injuries caused by an alleged defect.

Richard P. Leavitt, for compensation for damage to clothing caused by an alleged defect at Washington and Summer streets.

Francis G. LePlante, for compensation for loss of clothing caused by an alleged defect in Columbia Road Gymnasium.

Evelyn A. Munroe, for compensation for injuries caused by an alleged defect in Huntington avenue.

Dhonal O'Leary, for compensation for damage to car caused by an alleged defect in Brookline avenue.

Eva Picardi, for compensation for damage to car caused by an alleged defect in Brookline avenue.

Edward J. Samson, for compensation for damage to car by city car.

A. W. Thompson, for compensation for damage to car by city truck.

Annie H. Walter, for compensation for damage to property on Central avenue, Hyde Park, caused by stoppage of sewer due to roots of tree in sidewalk.

William M. MacPhee, for compensation for damage to car caused by car of School Department.

Executive.

Petition of Readville Greyhound Association, Inc., for dog racing track in Readville.

Committee on Ordinances.

Petitions for permit for driveway openings: Charles Giampapa, at Havre and Porter streets, two openings.

Lynn Institution for Savings, 616 Newbury street.

Committee on Jitney Licenses.

Petition of Boston Elevated Railway for license to operate motor vehicles between Sullivan Square Terminal and Boston—Everett line at Alford street over Alford street (to be operated only between hours of 12 midnight and 6 a. m.).

TAKING OF LAND AT MORTON STREET.

Notice was received from the Metropolitan District Commission of taking of land at Morton street for purpose of constructing a high-pressure water main.

Placed on file.

COUNCILOR WILSON CHAIRMAN OF EXECUTIVE COMMITTEE.

President MURRAY announced the appointment of Coun. Wilson as chairman of the Executive Committee.

SPECIAL COMMITTEES.

Coun. ENGLERT offered the following: Ordered, That special committees be appointed by the President to consider the subjects indicated by their titles and such other matters as may be referred to them from time to time:

- Building Code, five members.
  - Constables, three members.
  - Hospitals, five members.
  - License Fees, five members.
  - Parks and Playgrounds, five members.
  - Public Welfare, five members.
  - Public Safety, seven members.
  - Tax Title Property, five members.
  - Unclaimed Baggage, three members.
- Passed under suspension of the rule.

COUNCILOR NORTON'S POSITION ON DOG TRACK.

Coun. WILSON—Mr. President, I desire at this time to make a statement for the record, concerning the City Council action taken last Monday on the subject of the Readville race track. I desire to do so as the acting chairman of the Executive Committee last week. I am impelled to do so because of the nature of public statements made, by a member of this body following last week's meeting,—statements which in my opinion not only were positively untrue and grossly misleading, but which by direct inference were automatically a reflection on each and every member of the Boston City Council with the exception of the gentleman who gave out the statements. I had hoped that the councilor was misquoted in the newspapers on Tuesday and Wednesday, until there came into my hands a five and one half page typewritten statement on City Council stationery, dated January 18, 1939, and entitled "Statement of Councilor Clement A. Norton." I shall read it. If the councilor did not himself issue the statement I trust he will deny it; if he did issue the statement, I believe he owes every member of the body an immediate apology, and a retraction of the mis-statements made. This is the statement:

"The passage of the so-called Readville dog track bill through the City Council, being introduced and passed in one day, is the all-time speed record for the passage of such legislation. Why the rush? Why the speed?"

"I personally requested the Council in executive session to postpone action for at least a week until public hearings could be held, but this was voted down. Then I understood that an opportunity would be afforded for such hearings after a new Council President had been elected and the Council had been reorganized into committees, something that is done the first of each year.

"The thing was worked very cleverly. No roll call vote was taken. It was shot through at

a time when the Council was feverishly engaged in seeing to it that no unfit man was elected President of the body. The first I knew of the matter being passed was when I read of the action that was taken in the following morning's papers. I had heard remarks about people connected with dog tracks and the manner in which they operated, but this was my first experience.

"As a rule, such an important matter is discussed in the Council for weeks and months, such as the present taxi bill, and I had no doubt whatever that such would be the case in this instance. But no. It was merely a case of 'All in favor say Aye. All against No. It's a vote, and so ordered.' Never in my experience has such an important vote been pushed through the Council without a roll call. As a matter of fact, this vote was put through while I was absent from the Council Chamber, having been called out for five minutes by a constituent, but whether present or not, it would have gone through anyway. My request to postpone action for a week in executive session had been voted down.

"I shall protest to the Mayor and Racing Commission that as the councilor from the ward where the race track was to be located, I at least should have been given the opportunity of having a vote on the matter, and such high-handed methods should be condemned.

"I informed the Council in executive session that I knew nothing about dog racing, had never seen a dog race in my life, and would like to find out what it was all about through hearing all sides at duly conducted public hearings. But no, such a procedure was not to be followed.

"Such tactics will surely lead to the defeat of dog racing, for the rank and file of people demand fair play, and when an opportunity to present both sides of the case is denied the people, then the side which engages in such methods is sure to lose.

"The dog track people have started off on the wrong foot. If this is a sample of the way they operate, then the district wants none of them.

"For a representative body to deny clergymen, business leaders and others a chance to be heard on a matter which vitally affects a district is undemocratic to say the least.

"I shall vigorously protest to the Mayor and Racing Commission against the high-handed tactics followed in this matter. Tactics which turned down my request that public hearings be held and the matter postponed. Tactics which rushed through the Council, in the few minutes that I was absent from the chamber, such an important issue without a roll call vote.

"On top of this, my stand in the matter was deliberately misrepresented.

"If this is a sample of the way the dog track people operate, we don't want them. It's my sole aim to protect the best interests of the decent people of the ward."

I am not surprised to see a look of blank amazement on the face of practically every member of the Council as I read that statement. It plainly is a statement intended to paint a picture for the people of Hyde Park which would feature their city councilor, standing almost alone, in a courageous but hopeless struggle against a high-handed majority in the City Council bent on jamming a petition through the Council without a public hearing, a Council roll call, or even debate. You gentlemen, who were present, know that this statement by the city councilor from Ward 18, which I have just read, fails even remotely to approximate a correct report of our meeting last Monday. The statement is unfair. The statement is untrue. Now let me state for the record just what did occur at the City Council meeting concerning this matter on January 16. The Assistant City Clerk read to the Council the title of a petition filed with the City Clerk requesting that permission be granted for dog racing use of certain land in the Readville section of Boston. The petition was referred by Councilor Shattuck, as presiding officer, to the Executive Committee for consideration by the entire Council membership in recess. At the meeting of the Executive Committee, over which I presided, during the usual recess, the only matter officially before us was the above petition. Councilor Norton was present during the entire meeting of the committee from beginning to end, as were most members of the Council, and representatives of the usual Boston newspapers. I read the petition to the committee. Councilor Kerrigan moved the petition ought to pass. Councilor Rosenberg

suggested the advisability of referring the matter to a Council committee and that public hearings be held. The Assistant City Clerk called to the attention of the Council that no president having as yet been elected for 1939, no Council committees had been appointed. Several members of the Council stated that any hearings should properly be held by the State Racing Commission, and that the City Council should not become involved in any more public hearings. As chairman, I asked the Assistant City Clerk concerning Council powers in the matter. He expressed the opinion to the committee that our vote was merely one of consent to the use of a definitely described location for racing purposes, but that only the State Racing Commission could grant the license to actually conduct a track. I then specifically called upon Councilor Norton to express his views, stating that as the representative from the Readville district he should be best qualified to report local sentiment on the matter. The councilor from Ward 18 stated the people in his ward had voted "Yes" on the dog racing referendum last November. He apparently had already considered the subject, for somewhat to my surprise he informed us that the secretary of the proposed Readville Greyhound Association had been to his home a week before and told him of the plan. The Councilor said the proposed location was the old Readville trotting track which was now like a deserted village and on the end of nowhere. He said some of the old blacksmith shops that were used in the old horse racing days were still there, and that quite a few of the people who worked at the old trotting track over thirty years ago, or their families, still lived there. As I remember it, I think he said he himself worked there for a while as a boy. He said such a track would put people back to work. He said "The ward has voted in favor of racing; and this old abandoned track is there now,—out at the end of nowhere." Councilor Rosenberg repeated his motion that the petition be referred to a special committee of the Council and that a public hearing be held. Councilor Norton did not urge the adoption of this motion. He stated he had "no objection" to a hearing; but he thereupon read from a piece of paper in his hand the exact figures of the Ward 18 vote on the dog racing referendum: Yes—9,692; No—4,434. I put Councilor Rosenberg's motion. On the customary voice vote the motion was clearly defeated. On Councilor Kerrigan's motion it was then voted that the petition be reported back "Ought to pass." The only other matter to even come up at the Executive Committee meeting was an inquiry by Councilor Taylor as to the response, if any, by the Board of Assessors, to an earlier invitation to appear before the Council. On being told that only Secretary Doherty was available, Councilor Taylor announced he would press his request at the next meeting or demand a Finance Commission investigation and Councilor Norton, still present in the room, stated he felt Councilor Taylor was entirely right. The Executive Committee thereupon adjourned, and the members of the Council re-assembling were called to order by Councilor Shattuck. As chairman, I submitted the one report for the Executive Committee. It was accepted, and the order was passed. The vote was not doubted. There was no request for a roll call. Councilor Norton, although he was not in his seat beside me, was positively in the Council Chamber, talking at the rear of the room. I looked for him, because I anticipated he would make some brief statement for the record. A brief order submitted by Councilor Irwin was voted without discussion, and then on motion of Councilor Fitzgerald the Council proceeded to take a ballot for President for the year 1939. Councilor Norton was present and voted on that ballot. If I have incorrectly stated any part of what substantially were the events of last Monday's meeting, I would be very glad to have correction made at this time for the record. I make these statements without fear of honest contradiction. The Councilor from Ward 18 did not "personally request the Council in executive session to postpone action for at least one week until public hearings could be held." He was not "voted down" on any such motion. He made no such motion. The measure was not "shot" through the City Council. It was passed in the usual course after members of the Council had heard the remarks of the councilor from Ward 18 in full, and especially the referendum figures which he read, to the effect that the recently expressed sentiment in his ward was 9,692 to 4,434 in favor of dog racing. The

councilor from Ward 18 was not absent, either when the vote in the Executive Committee, or the vote in the Council, was recorded. It is the privilege of any member of the Council to doubt the announced result of any vote on any subject at any time. The councilor did not doubt the vote; nor did he request a roll call to determine a doubt in his mind which did not exist. The councilor further knows that, except on loan orders, a roll call on any vote is the exception rather than the rule. Let me call the councilor's attention to the City Council minutes of April 21, 1935, the records of which show him to have been present. Councilor Selvitella on that day offered an order: "That the City Council of the City of Boston consent to the location of a track for racing horses in that part of East Boston known as Suffolk Downs, bounded by Bennington street, the Radial Highway, Waldemar avenue, and Revere Beach Parkway, more specifically described in an application made to the State Racing Commission by the Eastern Racing Association, Inc." That order was passed under suspension of the rule, without a roll call,—and incidentally without even being referred to the Executive Committee. The action was never questioned. Nor was there any "high-handed" procedure in last Monday's vote. The councilor from Ward 18 not only did not oppose the petition; but if I can understand English, he actually sponsored it. He may or may not have failed to correctly judge the desires of his district—just as he varied from the majority sentiment in his ward on the question of Federal housing. But he had no right this past week to distort and deliberately misrepresent facts. I have tried to be fair in what I have had to say. I have tried to temper my remarks, despite great provocation to do otherwise. But I feel very strongly that the record should be straight in this matter,—and I am setting it straight.

Coun. ROSENBERG—Mr. President.

President MURRAY—For what purpose does the gentleman rise?

Coun ROSENBERG—I ask unanimous consent to make a statement.

President MURRAY—If there is no objection the gentleman may proceed.

Coun. ROSENBERG—Mr. President, I desire to say just a word. Reference has been made to the manner in which the newspapers reported the proceedings of the last Council meeting, particularly concerning the dog track controversy which took place in the Executive Committee chamber. The report as it appeared in the morning papers was, to my mind, an accurate and fair account of the proceedings which took place, and I would like to offer one of the reports for the record, to be inserted in the minutes of our meeting.

The motion was carried, and Coun. ROSENBERG submitted the following from the Boston Post of January 17, 1939:

"Without debate or public discussion and brushing aside a recommendation that public hearings be held on the matter, the Boston City Council yesterday placed its stamp of approval on the proposed dog track and granted permission to the association to go ahead with its plans.

News that the City Council had given its sanction to the proposed dog track less than an hour after the petition came before it was at first greeted with disbelief in Readville, Hyde Park and Roslindale. A storm of opposition and protests mounted as word of the dog track move spread through that section of Boston.

The petition now goes to Mayor Tobin for his action. His veto would automatically kill the move. If he follows the example of the Council and approves it, the Readville Greyhound Association would then have to obtain the sanction of the State Racing Commission.

When the petition of the Readville Greyhound Association was read before the City Council yesterday, it was referred to the Executive Committee by Councilor Henry L. Shattuck, then acting President of the body.

In the executive session Councilor Sidney Rosenberg of Dorchester recommended that a special Council committee be designated to hold public hearings at which the people of Readville would be given an opportunity to express their sentiment on the dog track plan.

Motion for Hearing Defeated.

Councilor John E. Kerrigan maintained that if such hearings should be held they should more properly be staged before the State Racing Com-

mission. Other members maintained that the Council should not become involved in any more public hearings.

Councilor Rosenberg protested that there was 'no necessity for railroadng this thing through at this meeting.' His motion to hold public hearings was defeated, however.

Pointing out that the track would be located in the ward represented by Councilor Clement A. Norton, Councilor Robert G. Wilson, presiding at the executive meeting, declared the body should be guided to a large extent by Norton's wishes.

Councilor Norton said the people of his ward voted in favor of dog racing by a margin of 9,692 to 4,434. He declared he first learned of the dog track move when he was visited by the secretary of the association and informed of the plans.

He stated the old Readville trotting track has been 'like a deserted village' for many years, and he announced that he favors 'anything that will put a few people to work if it is conducted properly and honestly.'

'The ward has voted for it,' he told his fellow councilors. 'It's now an abandoned track on the end of nowhere. Now if it's possible to put a few of the unemployed persons out there to work, and if this thing is conducted honestly, I'm for it.'

Council Approves Without Debate.

Rosenberg insisted that the people of Norton's ward should be given a chance to express their feelings on the matter and contended that many persons who last November voted on the question of dog racing in Suffolk county assumed they were voting on the retention or abolition of the Revere track and had no idea a track might be opened in their own district.

Councilor Kerrigan moved that the measure be recommended back, 'Ought to pass.' The motion was carried, and on the floor of the Council the petition was approved under suspension of the rules, without debate and without a dissenting vote.

Councilors Wilson and Rosenberg later stated that if Councilor Norton felt the track would be in the best interests of his ward, they were willing to accept his judgment, pointing out that Norton should be in the best position to judge the desires of his own district."

#### CONFIRMATION OF APPOINTMENT.

President MURRAY called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointment submitted by the Mayor January 18, 1939, of Arthur E. Byrnes, to be a constable with authority to serve civil process upon filing bond.

The question came on confirmation. Committee, Coun. Irwin and Sullivan. Whole number of ballots 15; yes 14, no 1, and the appointment was confirmed.

#### SOLDIERS' RELIEF.

Coun. IRWIN, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of January.

Report accepted; said order passed.

#### CONDEMNING PUBLIC STATEMENTS ON PENDING MATTERS.

Coun. IRWIN offered the following:

Ordered, That the City Council hereby goes on record as condemning the action of any member of its body who issues public statements or expresses his individual opinion in the press on any matter which is pending before any committee of the Council.

Coun. IRWIN—Mr. President, I have offered this order because of various public statements made by a member of this body, expressing his individual opinion on matters pending before us and upon which committees are holding hearings, before there is a final decision or report by the committee. I was very much pleased to see Councilor Wilson stand up here and make the statement he has made concerning the councilor from Hyde Park. While I have been but a few short years in public life, I have never before seen such statements as those which have appeared in

the newspapers in regard to matters pending before the body and which have not been acted upon. They are an insult to every member of this Honorable Body. We have seen such statements by a member of the Council not only in regard to the dog tracks but also in regard to the taxicab situation. I think in all fairness to the taxicab committee, of which I am not a member but in which, from my observation, Chairman Taylor has given an absolutely fair and impartial hearing to both sides, such insinuations and remarks as have been cast abroad should never have emanated from a member of this body. While as an individual councillor I have not made up my mind whether I shall vote for public or private stands, I certainly do not like to see any councillor taking a position which gives the impression to the public that something is going on which is not just right. Like any legislative body we are supposed to be governed by certain rules of conduct, and no member of the body should at such a time express a personal opinion which would seem to cast reflections on his fellow members. We have the committee meetings to help us form our opinions. While I know that there is nothing binding about the order, I would certainly like to see the Council taking some action which will express its opinion about what has been going on. It certainly is not right when individual members will go out, when matters are pending before us upon which a decision has not been made, and try either to get cheap publicity or to throw suspicion on fellow members, by such statements as we have heard. I personally have never been suspicious of the motives or actions of other members of the body, and I do not believe in getting up here and expressing personal opinions of other people, while things are being considered and no judgment has been arrived at. We are here to give our opinions when the proper time comes, not endeavoring in the meantime to obtain cheap individual publicity, and when the proper time does come I think every member here has sufficient intelligence to express his opinions and render his decision. If possible, I would like to see this order referred to the Committee on Rules and to have a rule made under which no member would issue an individual opinion or statement to the press on any matter pending before the body.

Coun. WILSON—Mr. President, with reference to the taxicab hearings, I agree with the councillor from East Boston that the chairman of the committee (Coun. Taylor) has been extremely patient and has given both sides a full opportunity to be heard. But I am one of those members of the Council who believe I express the unanimous sentiment of the body when I say that those hearings should be completed at the earliest possible moment, for the reason that permits for special stands granted by the Police Commissioner are supposed to be granted on or before the first of February each year. We made a request of the Police Commissioner last week that any licenses to be granted this year, on or before the first of February, should be temporary licenses only, and it is rather significant that the Police Commissioner in his answer to the Council today, instead of saying that such licenses would be temporary, said he would be pleased to give our request his early consideration. The fact is that before the special committee on taxicabs can hold another meeting and make its final report to the Council, we will be right at the date when licenses for special stands are customarily granted; and I also remember, as set forth in our records, that not only has the Police Commissioner stated that it will take at least ninety days to organize a new arrangement, if there is to be a change in the present procedure, but it has also been suggested that a survey be made of other cities of the country. Meanwhile, petitions have been filed in the Legislature which, if acted upon favorably, would overturn the mandate of the people. For that reason I believe all the circumstances of the case demand immediate action on the part of the committee.

Coun. TAYLOR—Mr. President, I am chairman of the particular taxicab committee to which both councillors have referred, and myself was rather embarrassed to read in the Boston newspapers the opinions of several members of the committee. It was embarrassing to me, and I feel that it must have been embarrassing to other members of the committee, because I believe we sit in a somewhat quasi-judicial capacity in holding public hearings which will assist us to form our opinions. I do not believe any councillor, particularly a member of a committee, should express

his opinion publicly in reference to a matter pending before the committee. It certainly has a tendency to give notice to the public that the committee is prejudiced in favor of one side or another, although I think during the hearings the great majority of the members of the board showed that they were impartial in their willingness to hear both sides. The chairman of the committee has tried to be as expeditious as possible in completing the hearings and at the same time giving both sides an opportunity to be heard. Fortunately or unfortunately, the questions asked have resulted in a prolongation of each hearing, but I do want to say for the record that the Committee on Public Safety is intending to bring the matter to a conclusion, and that tomorrow we shall have our last hearing so far as public hearings are concerned. Later in the week, possibly on Friday, the committee will meet in executive session and will then submit a report next Monday, so that the matter may come before the Council in time for the Police Commissioner to act as he may see fit.

The order was referred to the Committee on Rules.

#### REINSTATEMENT OF THOMAS J. O'CONNOR.

Coun. IRWIN offered the following:  
Resolved, That the City Council of Boston hereby favors the enactment of legislation authorizing the reinstatement of Thomas J. O'Connor as a member of the Boston Police Department, provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

#### PAYMENT TO MOTHER OF JOHN MCGONAGLE.

Coun. FITZGERALD offered the following:  
Resolved, That the City Council of Boston hereby approves the enactment of legislation whereby the City of Boston may be authorized to pay a sum of money to the mother of John McGonagle, who died from injuries received by the falling of a wall at the Morton Street Playground, provided that such legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

#### PAYMENT TO FATHER OF JOSEPH TAYLOR.

Coun. FITZGERALD offered the following:  
Resolved, That the City Council of Boston hereby approves the enactment of legislation whereby the City of Boston may be authorized to pay a sum of money to the father of Joseph Taylor, who was drowned while bathing in the Charles river, provided that such legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

#### PAYMENT TO PARENTS OF JOSEPH PULIATTI.

Coun. FITZGERALD offered the following:  
Resolved, That the City Council of Boston hereby approves the enactment of legislation whereby the City of Boston may be authorized to pay a sum of money to the parents of Joseph Puliatti to compensate them for his death sustained at the Nashua Street Playground, provided that such legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

#### ADDITIONAL JAMAICA PLAIN SERVICE.

Coun. LANGAN, ENGLERT, CAREY and CHASE offered the following:

Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to immediately arrange for additional street car service on the Jamaica Plain line, between Park street and the Arborway Station.

Coun. LANGAN and ENGLERT offered the following:

Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to immediately arrange for additional street car service on the Jamaica Plain line, between Dudley Street Terminal and the Arborway Station.

Severally passed under suspension of the rule.

OPENING OF FIELD HOUSE, PARKMAN PLAYGROUND.

Coun. LANGAN offered the following:

Ordered, That the Park Commissioners be requested, through his Honor the Mayor, to immediately open the Field House at the Parkman Playground on Wachusett street, Jamaica Plain, and arrange for the attendance of a custodian to insure the safety of the children using this playground for their athletic activities.

Coun. LANGAN—Mr. President, there is no custodian located at the Parkman Playground on Wachusett street, Jamaica Plain, which has been flooded for skating purposes. There is also on that playground a field house, which has been closed for the last three months. I am asking that the Park Commissioner have that field house open for the convenience and comfort of the children and young people who participate in sports on the playground. The requests along this line have been ignored. As a result, young children have been forced to place their shoes at the side of the playground, at the edge of the highway, and other children have taken them and in some instances have put them in the fire started by children to keep themselves warm. Several accidents have occurred there in the last month, and there is now nobody in the field house to attend to those who may be injured. I ask the passage of the order so that the children engaged in athletic sports on the playground may be properly taken care of.

The order was passed under suspension of the rule.

SURVEY OF TRAFFIC, ALLSTON-DUDLEY STREET LINE.

Coun. CAREY offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to make a thorough survey of its passenger traffic on the Allston-Dudley street line with a view to making a much-needed improvement in this service.

Passed under suspension of the rule.

TRAFFIC SIGNALS, BRIGHAM CIRCLE.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to arrange for the immediate transfer from the sale of tax title property, or from some other fund, of a sum sufficient to cover the installation of traffic signals at Brigham Circle, Ward 10.

Coun. CAREY—Mr. President, at Brigham Circle is one of the worst traffic menaces in the entire city, due to the width of Huntington avenue at that intersection. Two street car buses of the Boston Elevated pass through the area, and because of the churches, hospitals and schools in the vicinity, foot traffic is constant and needs protection from the thousands of automobiles that daily speed through. At the present time along Huntington avenue two water mains, one of 30 inches and the other of 36 inches are being replaced with one large pipe measuring 48 inches. This work has necessitated opening up a trench of about 8 feet in width from the overpass on Huntington avenue in through Brigham Circle to Tremont street. As a result Huntington avenue is and will be for many weeks to come, open to but one-way automobile traffic. It seems that at the present time, while the work of laying this new main is going on, attention should be given to the necessity for these traffic signals. These lights have got to be installed some day soon and it is quite possible that certain expense can be saved by having installation made while the area is torn up and traffic impeded incidental to the laying of the water main. I accordingly ask for favorable passage of my order.

Passed under suspension of the rule.

RECESS.

On motion of Coun. FITZGERALD the Council voted at 2.48 p. m. to take a recess subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 4.50 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on message from Mayor and order (referred today) accepting land deeded by Sarah Frances King Nash to Massachusetts Homeopathic Hospital to be held in trust for use for hospital purposes but to be given the city for playground purposes when such hospital use ceased—that same be passed.

Report accepted; said order passed.

2. Report on order (referred January 16) that School Committee reconsider their action in connection with establishing six-year evening course at Central Evening High School—that same ought to pass.

Report accepted; said order passed.

3. Report on order (referred January 16) that School Committee be requested to rescind resolution calling for a four-year minimum age limit for children entering kindergarten and permit entrance of children who are four years on or before October 1st of year of application for entrance—that same ought to pass.

Report accepted; said order passed.

COMMITTEES APPOINTED.

President MURRAY appointed the following committees:

STANDING COMMITTEES OF THE CITY COUNCIL.

Executive.

All the members, Coun. Wilson, chairman.

Appropriations.

Coun. Chase, Shattuck, Carey, Norton, Rosenberg, Agnew, Langan.

Claims.

Coun. Langan, Irwin, Galvin, Taylor, Kelly.

County Accounts.

Coun. Carey, Harris, Kelly, Lyons, Galvin.

Finance.

Coun. Shattuck, Fitzgerald, Agnew, Englert, Taylor, Irwin, Kelly.

Inspection of Prisons.

Coun. Fitzgerald, Shattuck, Kerrigan, Taylor, Rosenberg.

Jitney Licenses.

Coun. Englert, Agnew, Taylor, Fish, Rosenberg.

Legislative Matters.

Coun. Norton, Shattuck, Fitzgerald, Wilson, Irwin.

Ordinances.

Coun. Taylor, Englert, Wilson, Langan, Carey, Sullivan, Kelly.

Parkman Fund.

Coun. Kelly, Lyons, Norton, Galvin, Hutchinson.

Printing.

Coun. Sullivan, Fish, Lyons, Harris, Galvin.

Public Lands.

Coun. Irwin, Fitzgerald, Agnew, Englert, Langan.

Soldiers' Relief.

Coun. Englert, Irwin, Kelly, Fish, Harris.

Rules.

Coun. Fitzgerald, Shattuck, Kerrigan, Agnew, Wilson.

The first named in each instance to be chairman of the respective committees.

President MURRAY—Next week the Chair will announce the appointments to the special committees.

#### SURVEY IN EAST BOSTON FOR FEDERAL HOUSING.

Coun. IRWIN offered the following:  
Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to make a survey of the East Boston district with a view to determining on a site for a Federal Housing Project.

Passed under suspension of the rule.

#### AMOUNTS PAID TO EDWARD P. CASSELL.

Coun. CHASE offered the following:  
Ordered, That his Honor the Mayor advise the City Council of the total amount of fees paid to Edward P. Cassell for services rendered as real estate expert for the City of Boston for the past six years.

Coun. CHASE—Mr. President, if I understand it correctly, Mr. Cassell has received annually \$40,000 in fees from the City of Boston as a real estate expert. I am also informed that in some years he has received more. I cannot personally conceive of any real estate expert having that value to the City of Boston, when we stop to consider that the Governor of the Commonwealth gets only \$10,000 a year, with much more important duties to perform than this real estate expert, and that the Mayor of Boston is receiving only \$20,000 and has much more responsibility. The President of the United States, too, gets only \$75,000 a year and if this real estate expert gets \$40,000 he gets more than half what the President of the United States is getting. I hope that the board will pass that order.

The order was passed under suspension of the rule.

#### TRAFFIC LIGHTS, WESTLAND AVENUE AND HEMENWAY STREET.

Coun. CHASE offered the following:  
Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install adequate traffic signal lights at the intersection of Westland avenue and Hemenway street, Ward 4.

Passed under suspension of the rule.

#### RESURFACING OF RUGGLES STREET.

Coun. CHASE offered the following:  
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth type pavement Ruggles street, Ward 4, under the W. P. A. type of construction.

Passed under suspension of the rule.

#### MUNICIPAL BUILDING, FRANKLIN FIELD.

Coun. ROSENBERG offered the following:  
Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to consider the advisability of erecting a municipal building on Franklin Field from the income of said fund.

Coun. ROSENBERG—Mr. President, in view of the message from the Mayor, vetoing a resolution in favor of legislation for construction of a municipal building in the vicinity of Franklin Field, stating that in 1931 the Legislature had authorized to borrow outside the debt limit \$500,000 for this purpose, but that presumably on account of conditions no action had been taken under the act, and that the city is now in no financial position to borrow outside the debt limit for this purpose, it occurred to me that it might be advisable at this time to attempt to get the trustees of the George Robert White Fund to take a part of that fund for the erection of such a municipal building in the Dorchester district, particularly in the Franklin Field location, where it is greatly needed by residents of the community and has been needed for many years.

The order was passed under suspension of the rule.

#### LOWER FIRE INSURANCE RATES.

Coun. ROSENBERG offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Fire Commissioner in an effort to obtain lower fire insurance rates for the City of Boston, particularly in view of the recent report showing the fire losses in Boston during the past year to be lower than in any other large city in the country.

Coun. ROSENBERG—Mr. President, we have seen the recent report emanating from the State House to the effect that the fire loss ratio in Boston, as compared to the other cities and towns of the country, has been the lowest in the history of the city. I feel, in view of that fact and the service that the Fire Department has been rendering to the home owners and taxpayers of the City of Boston, an effort should be made to obtain a reduction in fire insurance rates for the property owners of the city.

The order was passed under suspension of the rule.

#### INFORMATION FROM CITY COLLECTOR THOMPSON.

Coun. KELLY offered the following:

Ordered, That the City Collector, Mr. Thompson, be requested to appear before the Executive Committee of the City Council at its meeting on Monday, January 30, 1939, to inform the Council as to when he intends to sell properties in the City of Boston for unpaid 1938 taxes.

Coun. KELLY—Mr. President, my reason for introducing this order at this time is that, as you will recall, about a month or more back, in executive session, I asked Mr. Thompson if it was not a fact that he intended to sell 1938 unpaid tax properties by April 1st. He said specifically no. But today it was stated that the Assessing Department was going right ahead, and when asked how long it would take to make preparations, the chairman said about a month. So that is one reason why I would like to have Mr. Thompson appear before our executive session next week, so that he can inform us definitely when he intends to sell properties in the City of Boston for unpaid 1938 taxes.

The order was passed under suspension of the rule.

#### NO PARKING RESTRICTIONS, WARD 17.

Coun. WILSON offered the following:

Ordered, That the Traffic Commission, through his Honor the Mayor, be requested and urged to establish no parking restrictions on both sides of Moultrie, Kenwood and Lyndhurst streets, Ward 17, within 200 feet of Washington street.

Coun. WILSON—Mr. President, I ask the passage of that order. I have in mind the fact that these three streets in Ward 17—Moultrie, Kenwood and Lyndhurst streets—are all up-hill streets, leading to Washington street and Codman square. At the present time there are cars parked on both sides of those streets most of the time. Conditions are congested, because of the opening of one of these cash-and-carry chain store buildings which means the parking of automobiles up and down these streets on both sides, with the result that those who do have occasion to drive up the streets have to take the middle of the road, and then wait for cars to back out to Washington street. It is a question of traffic safety for the people of Dorchester, and I strongly urge that the Traffic Commissioner establish "no parking" restrictions on both sides of these streets, within 200 feet of Washington street, thereby clearing up a very bad situation.

The order was passed under suspension of the rule.

#### NEW EDITION OF "BOSTON'S STREETS."

Coun. WILSON offered the following:

Ordered, That the Superintendent of Printing be authorized to print a new edition of one thousand copies, bound in boards, of the book entitled "Boston's Streets," with the precinct changes, if any, made by the Election Commissioners to December 31, 1938, the expense to be charged to the Contingent Fund.

Passed under suspension of the rule.



REPAVING SURFACE OF ALLSTON BRIDGE.

Coun. SULLIVAN and AGNEW offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to repave the surface of the bridge over the Boston & Albany tracks at Cambridge, Linden and Lincoln streets, Allston, the present wooden paving blocks being in extremely dangerous condition for traffic.

Passed under suspension of the rule.

STATEMENT BY COUNCILOR NORTON.

Coun. NORTON—Mr. President, I ask unanimous consent to make a statement. The reason why I make this request is that the gentleman from Ward 17 (Coun. Wilson) read into the record early in the session the statement that I have here in my hand.

President MURRAY—The gentleman asks unanimous consent?

Coun. NORTON—Yes.

President MURRAY—Is there objection?

(Coun. Galvin objected.)

President MURRAY—The Chair hears objection.

Coun. WILSON—Mr. President, while I believe that Councilor Norton has been unfair in his treatment of this body and while I did not see him present here this afternoon until seventeen minutes of five, I still think he should have an opportunity by unanimous consent to make a statement, under the circumstances.

Coun. GALVIN—Mr. President, I withdraw my objection.

Coun. NORTON—Mr. President, the statement which I hold in my hand and which I have read over rather hastily, is the statement made by the councilor from Ward 17 early in the session. He read first something that was entitled "Statement of Councilor Clement A. Norton," which was printed in the newspapers. Well, I wrote that statement, every word of it. I also read it over in the presence of some members of the body, and I said to Councilor Taylor, "Charles, what do you think of it?" He said, "I think it is unfair." I said, "Well, if you think it is unfair, I am going to recall it, because when I make a statement that any member of the body says is unfair, my natural tendency at any time would be to recall it." So in this particular instance I went and asked to get the copies of the particular statement, which was to be printed in the papers, back, and I thought that I got them back, and took them with me. The councilor from Ward 17 (Coun. Wilson), however, has quoted the statement as printed in the *Post*. I thought I had got back all the copies, but in some mystical manner that copy got out of my control. There are only two or three salient points in this whole controversy. One question was, Whether or not I approved the whole statement? My answer to that is this, that when Councilor Rosenberg suggested that we hold the matter up for a week, I seconded that suggestion by the statement that I could see no harm in carrying out the wishes of the councilor from Dorchester—that is, in holding the matter up for a week's consideration. I do not remember being in this room when the vote was taken on the matter. As I understand it, it was one of these questions that is usually put, "All in favor say Aye, opposed No, and it is a vote." What I objected to was this, I objected then, and I object today. I say that the people of the wards who objected to this dog track should have an opportunity to come before the Council and present their objections, and that those favoring the track should also have a chance to be heard. Both sides of the case should have a chance to state their position. But, of course, there was a great deal of confusion here a week ago. Just get the picture. We were in a terrific fight here over the taxi bill, and in the midst of all this—

Coun. IRWIN—Mr. President, will the gentleman yield for a question?

Coun. NORTON—Certainly.

Coun. IRWIN—Mr. President, I would like to ask the councilor from Hyde Park whether or not in the executive chamber he made in substance this statement, that the old Readville track had not been in use for years, although it was still there, that "the people of my district have voted for and

are in favor of dog racing. It will put men to work, and anything that puts men to work, I am heartily in favor of?"

Coun. NORTON—Mr. President, I stated everything that the councilor says, with the possible exception of a few words, and I might have used those. I am not sure. I am not denying that I made that remark. But I did favor Councilor Rosenberg's suggestion and motion that the thing be held up for one week. Now, Mr. President, I was sure that when this matter got to the Mayor he would see that the proper thing was done. As a matter of fact, the dog track people themselves feel that hearings should be held and that people should be given an opportunity to come before the Council and tell their story. They have been very sympathetic all the way through to public hearings on this whole thing. Therefore, that is my answer to this statement here. But the attitude of the gentleman from Ward 17 towards me is practically the same now that it was years ago. When this race track matter came up in East Boston several years ago he felt that my attitude toward him and toward some other members of the Council was not what it should be, and he is of the same opinion now, that I have insulted certain members. It seems that everything I do insults him and perhaps some other members of the body. I wish it were possible not to insult some of the members here, but you cannot go through life in that way. All I wish to say is this. When Councilor Rosenberg objected in the committee room to immediate action, and asked that the matter be held up for one week, I said that I saw no possible objection to such a request. I knew personally that the members had a feeling against me, because of matters of controversy between us. I was in favor, as I stated, of Councilor Rosenberg's motion to put the thing over for a week and to have a hearing, but I knew that for me to strongly advocate anything of the sort would not help, that instead of helping it might injure. The feeling at the time was running pretty high, and there was considerable feeling against me. I was interested in electing a certain member of the Council President, and was dead over heels in the taxicab controversy, believing that we should follow what I considered to be the mandate of the voters of this city. I dislike as much as anyone can be the cause of a conflagration among the members of the Council, in so far as I am concerned, because I am in the unenviable position now of being the most disliked member of the body by other members. So I said to myself, "Norton, you have now got a dog track trouble on top of the taxicab problem, and you had better go easy, you had better let somebody like Rosenberg carry the ball." Nobody likes to be disliked. No man in the room hates to be disliked by his fellow members more than I do. But, after all, political life is soon over. It is most transitory. Ten years from now nobody will remember, without looking up the records, what I or other members of this body said or did. So that is an explanation of my position in regard to this dog track. I was inclined to think at first, there is that old race track out there, that has not been used for years. There is an old man out there who has lived alongside the track for a long time who shod horses and worked around the place over thirty years ago and there are others. My offhand feeling was that there was that old abandoned track, that there were some of these old people who were waiting for the old conditions to come back, and that it might put some people back at work. So I said, "Bring in your petition before the Mayor and the Council," and I felt that the Mayor would see that the right thing was done. So up to that point Councilor Wilson's statement is correct in regard to my position. But it seems that a good deal of objection developed to the track out there, and when that fact was brought to my attention and when Councilor Rosenberg suggested that action be postponed for a week, I backed up the request of the councilor in asking for a postponement. But Councilor Rosenberg's motion for postponement and a hearing was defeated. Then there is the second point, about its being rushed through. I said then, and I say now, that it was rushed through this body without giving the proponents and the opponents a chance to be heard before their representative legislative body, when they should have an opportunity to be heard. Now,

wipe out from your minds the idea that this proposed dog track in Hyde Park is an embarrassing thing to me. It is not. It is just another thing. We simply want the residents to decide whether or not they want it.

Coun. WILSON—Mr. President, will the gentleman yield for a question?

Coun. NORTON—Certainly.

Coun. WILSON—In what respect was the action upon this petition handled any differently than the much larger proposition of the Suffolk Downs track was handled in 1935?

Coun. NORTON—Merely that this petition came in one day and was rushed through on the same day.

Coun. WILSON—The Suffolk Downs order, introduced by Councilor Selvitella, was passed under suspension of the rules without a roll call and not even sent to Executive.

Coun. NORTON—There was considerable comment upon the matter at that time in the press, and I think you remember the comment, and what took place on that occasion. You then were opposed to Norton. You then said about Norton what you have said here in regard to this matter. You then said about the horses what you have said about the dogs. You talk about Norton looking for publicity. You were the one who was looking for publicity then. Don't you remember what came out in the newspapers at that time, the scareheads on the front pages? Certainly, what we now see in the papers about the dog tracks can't compare with that. All I am saying to you is this, councilor, since you have brought up the action of 1935, that my position on all these matters all the time is simply this, that the sentiment of the people of any district that is interested in or affected by a matter of this kind should be obtained. They should have an opportunity to be heard. That is my position now, and I think the story of what happened here shows that. I would have been glad to have had the suggestion of Councilor Rosenberg, that this matter be postponed and a hearing be given to the people of the district, carried out. But that was voted down. What would you say if this question affected the people of Dorchester, the people of your section, and action was taken without their being given a chance to be heard?

Coun. WILSON—Do I understand the gentleman correctly, and not depending wholly on my own memory, that if I go to the files of the papers I will find headlines such as the gentleman refers to in the morning papers the morning after the passage for the petition of the Suffolk Downs race track? I want to get it right.

Coun. NORTON—I am not giving you information. You are not asking that question for the purpose of obtaining information. You are asking the question merely for the purpose of subterfuge. You know what happened then, and you know why it happened then. You were on one side and Norton on the other. You knew the facts at that time well enough. You must remember them. I don't have to stir up your memory. You have a pretty good memory. Now, Mr. President, for purposes of the record I want to say, in answer to Councilor Wilson's statement that this was shot through in one day, that that argument can hardly be brought up here as illustrating a unique situation, when we think of what happened in 1935.

Coun. TAYLOR—Mr. President, I would like to ask the gentleman a question, if he will yield.

Coun. NORTON—Certainly.

Coun. TAYLOR—If it was shot through here, as has been stated, why didn't you voice your objection, the same as you are doing here today?

Coun. NORTON—Because I was not in the room. As I remember it, I was out at the head of those stairs.

Coun. TAYLOR—Why didn't you voice your objection in executive session at the time?

Coun. NORTON—Because, as I have already stated, the suggestion was made by Councilor Rosenberg that the matter be postponed and a hearing be given, and I agreed, said yes. But that motion was defeated. I knew how unpopular I was and how little attention might be paid to any sentiment I might express. I asked that the thing be held up.

Coun. TAYLOR—Well, as a matter of fact, while you didn't object to a hearing, you didn't especially urge any public hearing at the time.

Coun. NORTON—No, but I did assent to the suggestion. I realized, however, that for me to urge anything on this Council at this time means its defeat.

President MURRAY—The Chair would state that Councilor Norton has the floor and that this seems to be degenerating into a debate between two members.

Coun. IRWIN—Mr. President, I would like to ask the gentleman from Hyde Park—I not having been a member of the City Council at the time—if in 1935, when the question of the Suffolk Downs race track came up, he didn't make a lot of sensational statements in regard to the race track, which he was compelled to retract?

Coun. NORTON—Fine! I am glad that you have asked that question. I made no sensational statements. The only thing I asked for in 1935, which created a furore, was that the Finance Commission should investigate the affair. That is all. I will give \$500 to any East Boston charity if you will show that I ever made sensational or derogatory statements, \$500 in cash if you will show where Norton in 1935 made sensational or derogatory statements. I simply made the suggestion then that the matter be referred for investigation to the Finance Commission. And all I ask now in this case is that a proper hearing be given to the petitioners and to the people of the district. That is all.

Coun. GALVIN—Mr. President, does Councilor Norton believe that this body, this Council, should be asked to demand investigations by the Finance Commission every week?

Coun. NORTON—No, Mr. President, and this year for the first time in four years I have had occasion to ask for such an investigation.

Coun. GALVIN—In the years while you have been a member of the body, how many times have you asked the Finance Commission to make investigations?

Coun. NORTON—Twice.

Coun. GALVIN—I also desire to make this statement, that I remember as far back as last February you came into the Council urging your brother councilors to do you a favor by voting in favor of the Hyde Park gas and electric proposition. Would you say that that matter got consideration from this body?

Coun. NORTON—Yes.

Coun. GALVIN—And weren't there public hearings held day after day at that time that you wanted the City of Boston to hold the bag on?

Coun. NORTON—Just phrase your question again, and I will answer it.

Coun. GALVIN—There was an order before this Council as far back as last February requesting the City of Boston to take over part of the Hyde Park Gas and Electric Light Company and rent it to the Boston Consolidated Gas Company. But there was some difference of opinion in regard to that between the companies. Can you give us any light or information on that matter?

President MURRAY—The Chair, of course, is forced to rule that question out of order.

Coun. NORTON—Mr. President, first in regard to the Dedham and Hyde Park Gas Light Company, that is a matter that was before the Council for six long months, and not six hours. The Dedham and Hyde Park gas light matter came before the Council and remained here, lying dormant, for six long months. The act was passed by the Legislature, permitting something of the sort to be done, and was accepted by the Council, but it lay here for six long months. It was one of the first bills that came before Governor Hurley and the Legislature, allowing the City of Boston to take over a part of the Dedham and Hyde Park and to deal with the Boston Consolidated. Under that legislation we had to approve or disapprove, but it hung along until nearly December 31, the end of the year. I asked the Council, which had the matter before it for that length of time, to take action so that it might go before the Mayor and he decided "Yes" or "No," and the Mayor immediately decided "No." I thought, under the circumstances, acting for the interests of my ward, that we should at least give the Mayor a chance to say "Yes" or "No." Some of the members were against that, the same as some are against this bill, but I don't think you want to consider that the same as this dog track matter, inasmuch as it was before the Council for six long months.

Coun. GALVIN—Were all the members of the body in this body for six months during that period?

Coun. NORTON—What has that got to do with this?

Coun. GALVIN—Well, you do admit that you did this, and also that you have asked for investigations at times by the Finance Commission?

Coun. NORTON—Well, I have already answered you on that point, that in the years I have been here I have asked twice for investigations by the Finance Commission. If you call that many times, I do not.

Coun. CHASE—I do feel sorry for you Councilor Norton, inasmuch as you are subject to making statements before thinking.

Coun. NORTON—Well, that is a matter of opinion.

Coun. CAREY—Mr. President, if the gentleman will yield for a question,—as a member of this body, and interested in this as a matter concerning your district, you knew that it was acted upon in committee and referred to open session of the body, and that it was a matter that would naturally call for your presence here in the open session when it was reported back. But you say that you don't remember whether or not you were here. I should think on a matter as important to you—as it would have been to me if it had concerned my district—your presence would have been demanded here, and that you should have asked for a roll call.

Coun. NORTON—Well, you heard me ask for a postponement.

Coun. CAREY—Not in open session.

Coun. NORTON—Well, I wasn't in the open session.

Coun. CAREY—All right.

Coun. NORTON—But this matter is coming before the Council, because Norton is going to see that it comes before the Council.

Coun. CHASE—You believe that these dog track men in your district want a hearing?

Coun. NORTON—Yes, and others want a hearing. I want to find out all about it.

Coun. CHASE—I was not present at the time when this matter was voted upon last week, and

if I were present I would have favored a hearing, because I am always in favor of a hearing.

President MURRAY—The Chair will state that Councilor Norton has yielded the floor for a question, but that does not include statements, councilor.

Coun. IRWIN—Mr. President, if the councilor will yield for a question,—Mr. Councilor, is it not true that in the executive session when Councilor Rosenberg moved that the matter be laid on the table for one week and that hearings be held, you said, "It is immaterial to me. I can see no harm to be done by that"? But when the vote on Councilor Rosenberg's motion to lay on the table was taken, the only person who voted for it was Councilor Rosenberg?

Coun. NORTON—No, there were two or three who answered. But I said to myself, "What is the use? These boys know how I feel, and I know how they feel towards me. So I will let Councilor Rosenberg carry the ball. He is in better grace than I." You all know how I stand on this matter, and you know my attitude on the taxicab question, councilor. But what is the difference? We are going to hold a public hearing on the matter.

Coun. IRWIN—Well, the point I want to make in regard to Councilor Rosenberg's motion is that you didn't even vote on it, that he was the one person who voted on it.

Coun. NORTON—No, I think at least two or three answered "Yes," but several answered "No," and I felt, regardless of what I said, that I would be licked. I wasn't there to rub salt into the wounds. I knew they would say that anything that Norton wanted he couldn't get.

Coun. AGNEW—Mr. President, I believe this matter is going to come before us, anyway, for hearing on Thursday, and will then be reported to the body, and I see no reason for continuing this discussion at this time. I move, therefore, that the Council do now adjourn.

Coun. Agnew's motion was carried, and the Council voted at 5.33 p. m. to adjourn to Monday, January 30, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Faneuil Hall, January 30, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY presiding and all the members present.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Constable for term ending April 30, 1939, to serve civil process upon the filing of a bond: James P. Keliher, 22 Leamington road, Ward 21.

Weigher of Goods: Ralph C. Gillett, 40 Draper street, Canton, Mass.

Weigher of Coal: Arthur D. Jones, 29 Carroll street, Watertown, Mass.

Severally laid over a week under the law.

## MUNICIPAL STADIUM, WARD 16.

The following was received:

City of Boston,

Office of the Mayor, January 30, 1939.

To the City Council.

Gentlemen,—I transmit herewith a letter from the Park Department Chairman relative to your order of January 16, 1939, concerning the request for sufficient funds from the P. W. A. authorities in Washington to provide for the erection of a municipal stadium on the Neponset Playground in Ward 16.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Park Department, January 24, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I have memo. of January 20 from your office, with inclosure, order of the City Council that the Park Commission be requested, through his Honor the Mayor, to request sufficient funds from the P. W. A. authorities in Washington to provide for the erection of a municipal stadium on the Neponset Playground in Ward 16.

Please be assured that an immediate engineering survey will be conducted. If it is possible to comply with the request, it will be a pleasure to do so.

Very truly yours,

WILLIAM P. LONG, Chairman.

Placed on file.

## SIDEWALKS ON GALLIVAN BOULEVARD.

The following was received:

City of Boston,

Office of the Mayor, January 30, 1939.

To the City Council.

Gentlemen,—I transmit herewith a letter from the Commissioner of Public Works relative to your order of January 16, 1939, concerning the installation of sidewalks on both sides of Gallivan Boulevard, from Neponset Circle to Woodfield street, Ward 16, under the W. P. A. plan of construction.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department,

January 26, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works install sidewalks on both sides of Gallivan Boulevard, from Neponset Circle to Woodfield street, Ward 16, under the W. P. A. plan of construction.

This department feels that the construction of these sidewalks would be a great improvement, and I would recommend that a lien order be put in to cover the above-mentioned work.

Respectfully,

GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## TRAFFIC REGULATION, CENTRE STREET AND ARBORWAY.

The following was received:

City of Boston,

Office of the Mayor, January 30, 1939.

To the City Council.

Gentlemen,—I transmit herewith a letter from the Boston Traffic Commissioner relative to your order of January 9, 1939, concerning the installation of suitable devices for the regulation of traffic at the traffic circle located at the junction of Centre street and the Arborway, Ward 19, for the added safety of pedestrians.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Traffic Commission, January 26, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated January 9, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to arrange for the installation of suitable devices for the regulation of traffic at the traffic circle located at the junction of Centre street and the Arborway, Ward 19, for the added safety of pedestrians."

Councilor James M. Langan wrote directly to this office in a letter dated January 10, 1939, and requested the installation of suitable traffic devices in the traffic circle at the intersection of Arborway, Centre street, and May street, West Roxbury, in order that pedestrians might be protected while crossing this area to and from the Convent of the Poor Clares.

The only device which would afford adequate protection to the pedestrians is an automatic traffic signal operated by push buttons by means of which persons desiring to cross the street may cause the traffic signal to show red and yellow lights indicating an exclusive period for pedestrians.

There are no funds available to this commission at present for the installation of traffic signals.

Respectfully yours,

WILLIAM P. HICKEY, Commissioner.

Placed on file.

## INCREASED MILK ALLOWANCE TO WELFARE RECIPIENTS.

The following was received:

City of Boston,

Office of the Mayor, January 30, 1939.

To the City Council.

Gentlemen,—I transmit herewith a letter from the Executive Director of the Public Welfare relative to your order of January 16, 1939, concerning the increase of the milk allowance to welfare recipients.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Overseers of the Public Welfare,

January 25, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—This department has received your communication of January 20, 1939, with inclosed copy of an order from the City Council, dated January 16, 1939, reading as follows:

"Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to increase the milk allowance to welfare recipients."

On the very day this order was passed, it was necessary to make some reduction in the milk allotments of various individuals and families who had been getting milk through the Surplus Commodities Division. Mr. John Stalker, Director

of Commodity Distribution, conferred with me concerning the milk reduction and was most cooperative in trying to hold the cut to welfare recipients to a minimum. The reason for the cut was due to the fact that the quantity of surplus milk had greatly decreased.

As the members of the Council are undoubtedly aware, the purpose of surplus commodity distribution is to try to get for consumption by people on public welfare as much of these surpluses as is possible and in any case where there is a lessening of surpluses, naturally in that particular commodity there must be a decrease in distribution to recipients.

Sincerely yours,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

#### SALE OF PROPERTY FOR UNPAID 1938 TAXES.

The following was received:

City of Boston,  
Office of the Mayor, January 30, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the City Collector relative to your order of January 23, 1939, concerning the informing of the Council when he intends to sell properties in the City of Boston for unpaid 1938 taxes.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Collecting Department, January 27, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—With respect to the inclosed order of the City Council requesting information as to the date for tax sale of unpaid 1938 taxes, I wish to state that the information which appears in the press of the city with respect thereto is erroneous.

The department will be busy on the first 1937 takings until the latter part of March, and the supplementary takings of 1937 properties will require an additional two or three months.

I can assure the members of the Honorable City Council that the Collecting Department cannot even undertake the preliminary work on the takings for 1938 for a period of at least six months.

In view of the fact that the order of the Council calls for specific information regarding the sale of properties in the City of Boston for unpaid 1938 taxes, I believe that this communication will furnish the Council the information which it desires.

Respectfully,  
MERRITT THOMPSON,  
City Collector.

Placed on file.

#### BILL CONCERNING NEW BUILDING CODE.

The following was received:

City of Boston,  
Office of the Mayor, January 30, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of January 16, 1939, concerning the filing at once with the Massachusetts Legislature a petition for such legislation as may amend the Acts of 1938, chapter 47, by adding a new section to said act in order to permit further changes in our amendments to such Building Law Code by the City Council of Boston, with the approval of the Mayor, on the written recommendation by either the Building Commissioner or the Board of Appeals.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, January 24, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—With reference to your communication of January 20, inclosing copy of Council order passed January 16, 1939, which is

returned herewith, please be advised that legislation was filed on your petition which complies with the purpose of said order. The legislation was introduced in the Senate by Senator Curtis and is numbered Senate 329.

Respectfully,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

#### BUDGET FOR 1939.

The following was received:

City of Boston,  
Office of the Mayor, January 30, 1939.  
To the City Council.

Gentlemen,—Under the provisions of section 3 of the City Charter the Mayor "within thirty days after the beginning of the fiscal year shall submit to the City Council the annual budget of the current expenses of the city and county, and may submit thereafter supplementary budgets until such time as the tax rate for the year shall have been fixed."

Because of the pressure of municipal business, it has been impossible for me to complete my review of budget estimates submitted by department officials for the activities of the current year. In order to comply with the Charter provision, I submit herewith lump sum budget recommendations for city and county departments. When I have completed my review of appropriation requirements, I shall submit to your Honorable Body a budget in segregated form.

Respectfully,  
MAURICE J. TOBIN, Mayor.

#### APPROPRIATIONS AND TAX ORDERS FOR THE FINANCIAL YEAR 1939.

Ordered, That to meet the current expenses payable during the financial year beginning with the first day of January, 1939, for performing the duties and exercising the powers devolved by statute or ordinance, or by vote of the City Council during they year, upon the City of Boston or County of Suffolk, or the departments or officers thereof, the respective sums of money specified in the tables and schedules hereinafter set out be, and the same are, hereby appropriated for the several departments and for the objects and purposes hereinafter stated.

Ordered, That the appropriation for Water Service, current expenses, and the payment to the State, under the provisions of chapter 483 of the Acts of 1895 and acts in addition or amendment thereto, and for the interest and debt requirements or for loans issued for water purposes be met by the income of said works and any excess over income from taxes; that the appropriation for Printing Department be met by the department income and any excess over income from taxes; and the appropriation for the *City Record* be met by the income of said publication and any excess over income from taxes; and the appropriation for the Traffic Tunnel be met by the income from tolls and any excess over income from taxes, in accordance with the provisions of section 11, chapter 297, of the Acts of 1929, as amended by chapter 74 of the Acts of 1935; that the other appropriations hereinafter specified be met out of the money remaining in the treasury at the close of business on December 31, 1938, exclusive of the money raised by loan or needed to carry out the requirements of any statute, gift, trust or special appropriation, by the income of the financial year beginning January 1, 1939, and by taxes on the polls and estates in the City of Boston.

Ordered, That all sums of money which form no part of the income of the city, but shall be paid for services rendered or work done by any department or division for any other department or division, or for any person or corporation other than the City of Boston, be paid into the general treasury, and that all contributions made to any appropriation be expended for the objects and purposes directed by the several contributors thereof.

Ordered, That all taxes raised to meet the appropriations of the city and all taxes assessed for meeting the city's proportion of the State tax for the year 1939, or for any other taxes or assessments payable to the Commonwealth, shall be

payable in two equal installments, on July first and on October first of 1939; that interest shall be charged on all taxes remaining unpaid after the first day of November, 1939, in accordance with the provisions of chapter 59, section 57, of the General Laws, as amended, until paid, except the taxes assessed upon shares of national banks, which shall bear interest at the rate of 12 per cent per annum from the first day of October, 1939, until paid, and that all interest which shall have become due on taxes shall be added to and be part of such taxes.

Ordered, That except as the appropriation for any purpose or item shall be increased by additional appropriations or transfers lawfully made, no money shall be expended by any department for any of the purposes or items designated in the tables and schedules hereinafter set out in excess of the amount set down as appropriated for such specific purpose or item.

LUMP SUM DEPARTMENTAL ALLOWANCES  
RECOMMENDED BY MAYOR FOR 1939.

City Maintenance.

Department.	Allowances.
Art Department.....	\$410 00
Assessing Department.....	300,000 00
Auditing Department.....	89,429 58
Boston Port Authority.....	59,000 00
Boston Retirement Board.....	35,500 00
Boston Traffic Commission.....	150,000 00
Budget Department.....	16,870 00
Building Department.....	181,000 00
Board of Appeal.....	9,900 00
Board of Examiners.....	4,500 00
City Clerk Department.....	47,000 00
City Council.....	85,250 00
City Council Proceedings.....	11,000 00
City Documents.....	20,000 00
City Planning Board.....	23,000 00
Collecting Department.....	165,000 00
Election Department.....	200,000 00
Finance Commission.....	50,000 00
Fire Department.....	4,150,000 00
Wire Division.....	95,000 00
Health Department.....	935,000 00
Hospital Department.....	3,400,000 00
Sanatorium Division.....	685,000 00
Institutions Department:	
Central Office.....	47,000 00
Child Welfare Division.....	370,000 00
Long Island Hospital.....	850,000 00
Steamers "Hibbard" and "O'Meara".....	62,000 00
Law Department.....	160,000 00
Library Department.....	1,450,000 00
Licensing Board.....	50,000 00
Market Department.....	17,000 00
Mayor, Office Expenses.....	80,000 00
Park Department.....	1,300,000 00
Cemetery Division.....	75,000 00
Police Department.....	6,200,000 00
Public Buildings Department.....	550,000 00
Public Welfare Department:	
Central Office.....	10,625,000 00
Temporary Home.....	11,000 00
Wayfarers' Lodge.....	15,000 00
Public Works Department:	
Central Office.....	34,000 00
Bridge Service.....	430,000 00
Ferry Service.....	240,000 00
Lighting Service.....	950,000 00
Paving Service.....	1,400,000 00
Sanitary Service.....	2,155,000 00
Sewer Service.....	950,000 00
Registry Department.....	65,200 00
Sinking Funds Department.....	2,750 00
Soldiers' Relief Department.....	700,000 00
Statistics Department.....	8,500 00
Street Laying-Out Department.....	170,000 00
Supply Department.....	78,000 00
Treasury Department.....	76,500 00
Weights and Measures Department.....	49,500 00
Special Appropriations:	
Bridges, Repairs, etc.....	50,000 00
Contingent Fund.....	275,000 00
Conventions, etc.....	30,000 00
Public Celebrations.....	40,000 00
Real Estate Division, Repairs, etc.....	35,000 00
Reserve Fund.....	125,000 00
<b>Total City Maintenance.....</b>	<b>\$40,406,309 58</b>

County Maintenance.

Department.	Allowances.
Suffolk County Courthouse, Custodian.....	\$400,000 00
County Buildings.....	105,000 00
Jail.....	250,000 00
Supreme Judicial Court.....	62,000 00
Superior Court, Civil Session, General Expenses.....	430,000 00
Superior Court, Civil Session, Clerk's Office.....	190,000 00
Superior Court, Criminal Session..	500,000 00
Probate Court.....	32,000 00
Municipal Court, City of Boston..	500,000 00
Municipal Court, Charlestown District.....	34,000 00
East Boston District Court.....	32,000 00
Municipal Court, South Boston District.....	34,000 00
Municipal Court, Dorchester District.....	45,200 00
Municipal Court, Roxbury District.....	110,000 00
Municipal Court, West Roxbury District.....	46,000 00
Municipal Court, Brighton District.....	22,500 00
Boston Juvenile Court.....	30,000 00
District Court of Chelsea.....	42,000 00
Registry of Deeds.....	195,000 00
Index Commissioners.....	26,000 00
Insanity Cases.....	38,120 00
Medical Examiner Service, Northern Division.....	25,500 00
Medical Examiner Service, Southern Division.....	17,300 00
Associate Medical Examiner Service, Northern Division.....	2,150 00
Associate Medical Examiner Service, Southern Division.....	1,800 00
Miscellaneous Expenses:	
Auditing Department.....	16,000 00
Budget Department.....	5,000 00
Collecting Department.....	1,400 00
Sheriff.....	4,375 00
Treasury Department.....	6,265 00
Granite Avenue Bridge.....	3,300 00
Social Law Library.....	1,000 00
Penal Institutions Department:	
Office Expenses.....	41,000 00
House of Correction.....	500,000 00
Steamer "Michael J. Perkins,"	65,000 00

Total County Maintenance... \$3,813,910 00

Revenue Departments.

Department.	Allowances.
Printing Department.....	\$350,000 00
Departmental Stationery and Postage.....	120,000 00
City Record, Publication of.....	40,000 00
Public Works Department:	
Water Service.....	1,200,000 00
Traffic Tunnel.....	230,000 00
Collecting Department:	
Water Division.....	110,000 00

Total Revenue Departments.. \$2,050,000 00

Referred to Committee on Appropriations.

APPROPRIATION FOR MUNICIPAL  
EMPLOYMENT BUREAU.

The following was received:

City of Boston,  
Office of the Mayor, January 30, 1939.  
To the City Council.

Gentlemen,—I submit herewith an order providing for the appropriation of \$19,000, the same to be charged to the Contingent Fund, to be used in connection with the activities of the Employment Bureau during the current year.

Your Honorable Body can readily recognize the practical value of this phase of municipal activities, and the promise of continued value in the year to come should recommend the adoption of this order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$19,000 be, and hereby is, appropriated for the activities of the Municipal Employment Bureau, said amount to be expended under the direction of his Honor the Mayor, and charged to the Contingent Fund, when made.

Referred to Executive Committee.

#### TRANSFER OF MARION STREET FIRE STATION.

The following was received:

City of Boston,

Office of the Mayor, January 30, 1939.

To the City Council.

Gentlemen,—I transmit herewith an order transferring the fire station located at 64 Marion street, East Boston, from the custody of the Fire Department to the custody of the Public Works Department. This station was closed in the fall of 1938 when a consolidation of fire companies occurred in the East Boston district. The Fire Commissioner in his inclosed letter indicates that his department has no further use for this building.

Transfer of this property to the Public Works Department will permit that department to use this building as a W. P. A. headquarters.

I am in favor of this transfer and respectfully recommend the adoption of the accompanying order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Law Department, January 28, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—At the request of Mr. Hyland, the Commissioner of Public Works, I have prepared the accompanying order, transferring the fire house situated on Marion street, East Boston, to the Department of Public Works of the City of Boston. If the matter meets with your Honor's approval, the order may be introduced in the City Council.

It will be necessary, however, before the said order is introduced in the City Council that the Fire Commissioner of the City of Boston state that the said premises are no longer needed for Fire Department purposes.

Yours very truly,

HENRY PARKMAN, JR.,  
Corporation Counsel.

City of Boston,

Fire Department, January 26, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—In the fall of the year 1938 the Boston Fire Department abandoned the fire station located at 64 Marion street, East Boston, through a consolidation of companies which took place in the East Boston district. As several months have passed and there appears to be no demand for use of this station by the various departments of fire service, I wish to notify you that this house is available for transfer to some other department.

I recall some conversation regarding the possibility in the future of using this as a boys' club in East Boston, but meanwhile, I am informed that Commissioner George Hyland is anxious to get the use of this building as a W. P. A. headquarters, and he has asked that I issue my release so that a transfer order may be submitted to the City Council on Monday, January 30.

The transfer of this fire station to the Public Works Department would be satisfactory to me.

Respectfully yours,

WILLIAM ARTHUR REILLY,  
Fire Commissioner.

Whereas, By deed dated March 8, 1860, recorded with Suffolk Deeds, Book 776, page 52, a certain parcel of land containing about 1,650 square feet situated on the easterly side of Marion street in that part of Boston called East Boston and bounded on its southeasterly side by a passageway eight feet wide and seventy-five feet deep, which is forever to remain open, was conveyed to the City of Boston; and

Whereas, By a taking approved by the Mayor of Boston July 20, 1917, and recorded with Suffolk Deeds, Book 45, page 441, the Board of Street

Commissioners of the City of Boston took for fire house purposes an adjoining parcel of land containing about 1,618 square feet; and

Whereas, The above described premises, together with the building thereon, are no longer needed for fire house purposes; it is

Ordered, That the above described land with the building thereon be, and the same are hereby, transferred to the care and custody of the Department of Public Works of the City of Boston.

Referred to Executive Committee.

#### TRANSFER OF PARENTAL SCHOOL PROPERTY.

The following was received:

City of Boston,

Office of the Mayor, January 30, 1939.

To the City Council.

Gentlemen,—I inclose herewith an order, the transfer of the old Parental School property in West Roxbury, now under the control of the Hospital Department, to the Public Works Department. The inclosed letter from the Board of Trustees of the City Hospital indicates that this property is of no further use to the Hospital Department.

The transfer of this property to the Public Works Department is for the purpose of demolition of the buildings on the property and the regrading of the land. This work will be done as a W. P. A. project. Upon completion of this work this land will then be available for whatever purpose it might subsequently be decided that it be used for.

In view of the fact that this large area of land is of no utilization to the City of Boston at the present time or contemplated to be put in use in the immediate future, I am in favor of placing the property in such a condition that it may be utilized for home development or other purposes, thereby affording the city a return in taxable valuations.

I recommend passage of the accompanying order.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Law Department, January 28, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—At the request of Mr. Hyland, Commissioner of Public Works, I have prepared the accompanying order transferring from the Hospital Department to the Department of Public Works of the City of Boston the old Parental School land and buildings situated in West Roxbury.

It will, however, be necessary before the said order is introduced in the City Council for the trustees of the Boston City Hospital to declare that the said premises are no longer needed for hospital purposes.

Yours very truly,

HENRY PARKMAN, JR.,  
Corporation Counsel.

City of Boston,

Hospital Department, January 27, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—The old Parental School on Spring street, West Roxbury, has been under the jurisdiction of the Hospital Department for a great many years. For the last several years the buildings have been unoccupied and are in very poor condition.

The trustees have consented to their demolition under the sponsorship of the Public Works Department, this to be a W. P. A. project, subject of course to your approval.

After the demolition project has been completed, the Department of Public Works proposes to submit a project of the entire area, containing 1,306,434 square feet of land, for regrading.

The trustees of the Boston City Hospital feel that in view of the fact that the Public Works Department is going to sponsor these projects and pay the city's contribution, it is only proper that the land should be transferred to their jurisdiction. This will also eliminate the hospital's responsibility of having watchmen on this property as has been the procedure.



As the trustees have no further use for this land for hospital purposes at the present time and feel that they will have no use for it for hospital purposes at any future time, they are hereby requesting your Honor to transfer this property to the Public Works Department.

Respectfully yours,  
 JOSEPH P. MANNING,  
 President, Board of Trustees.

Whereas, There was conveyed to the City of Boston by deed dated October 13, 1892, and recorded with Suffolk Deeds, Book 2089, page 123, a parcel of land containing about 1,207,918 square feet, situated in that part of Boston called West Roxbury; and

Whereas, There was conveyed to the City of Boston by deed dated October 7, 1901, and recorded with Suffolk Deeds, Book 2783, page 605, a certain parcel of land containing about 669,072 square feet of land and meadow and about 40,000 square feet in the Charles river; and

Whereas, The said parcels of land, with the buildings that were placed thereon, were used as a parental school and thereafter by an order of the City Council of the City of Boston, approved by the Mayor of Boston March 23, 1915, the said parcels with the buildings thereon were transferred to the care and custody of the trustees of the Boston City Hospital; and

Whereas, The Commonwealth of Massachusetts, acting through its Department of Public Works, by an instrument of taking dated December 8, 1931, and recorded with Suffolk Deeds, Book 5300, page 201, took for the purposes of constructing a parkway or boulevard about 649,000 square feet of the above mentioned parcels; and

Whereas, The remaining part of said parcels of land with the buildings thereon are no longer needed for hospital purposes; now, therefore, it is

Ordered, That the said land with the buildings thereon remaining after the said taking by the Commonwealth of Massachusetts be, and the same are hereby, transferred to the care and custody of the Department of Public Works of the City of Boston.  
 Referred to Executive Committee.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, viz.:

**Claims.**

Albert E. Butterfield, for compensation for damage to car by fire apparatus.

Robert N. Cavanaugh, for compensation for damage to car by city truck.

Margaret Feeley, for compensation for injuries caused by an alleged defect at 337 Gallivan Boulevard.

Stephen Gutowski, for compensation for damage to flower-beds by city workers.

H. & L. Motor Trucking Service, for compensation for damage to truck by fire apparatus.

James M. Kaveney, for compensation for injuries caused by an alleged defect at Green and Lynde streets.

Irving B. Levin, for compensation for damage to car by city truck.

William A. Morrissey, for compensation for injuries caused by an alleged defect at 14 Scollay square.

Chester E. Sawyer Company, for compensation for damage to property at 722 Huntington avenue, during construction work.

**Committee on Jitney Licenses.**

Petition of Boston Elevated Railway for license to operate motor vehicles from junction of Dorchester avenue and Broadway and junction of Dorchester avenue and Summer street, over Dorchester avenue; return over Dorchester avenue, Foundry street and Macallen street. (To be operated only between hours of midnight and 6 a. m.)

**APPOINTMENT OF FREDERIC H. FAY.**

Notice was received from the Mayor of appointment of Frederic H. Fay, of 11 Beacon street, to serve as representative of the Mayor on Board of Zoning Adjustment, *vice* Nyman H. Kolodny, resigned.

Placed on file.

**APPOINTMENT OF ELISABETH M. HERLIHY.**

Notice was received from the Mayor of appointment of Elisabeth M. Herlihy, 22 Hopkins road, Jamaica Plain, to be member of City Planning Board for term ending April 30, 1939, *vice* Frederic H. Fay, resigned.

Placed on file.

**MINORS' LICENSES.**

Applications for minors' licenses were received from fifty-six newsboys and six bootblacks. Licenses granted under usual conditions.

**ORGANIZATION OF CITY PLANNING BOARD.**

Notice was received from the City Planning Board of resignation of Frederic H. Fay, effective January 24, 1939, and election of William Stanley Parker as chairman.

Placed on file.

**APPROVAL OF CONSTABLE'S BOND.**

Notice was received from the City Treasurer of approval of surety on constable's bond of Artbur E. Byrnes.

Approved by the Council.

**FINANCE COMMISSION REPORT RE TAXICAB SITUATION.**

The following was received:

City of Boston,  
 Finance Commission, January 28, 1939.  
 To the Honorable the City Council.

Sirs,—Recently you adopted by unanimous vote an order requesting the Finance Commission to investigate "the so-called taxi scandal."

It appears that this scandal consisted of disclosures made by Abram Miller and George J. Naymie of the Independent Taxi Operators Association before your Committee on Public Safety December 28, 1938, when holding a hearing on the question of the acceptance of a legislative act which would abolish private taxi stands. These disclosures were in substance that Miller and Naymie were visited by four members of your body in relation to a story that the Independent Operators had raised a large sum of money to use in buying acceptance of the act by the City Council. At a public hearing held by the Finance Commission to which all the members of the City Council were summoned by special delivery letter, nineteen of the twenty-one members of your body attended as directed.

Two, Maurice H. Sullivan of Ward 22 and James M. Langan of Ward 19, appeared at the appointed time and gave testimony that they were of a party of four councilors who called upon Miller, president of the Independent Taxi Operators Association, on December 24, 1938, at about three o'clock p. m., at the headquarters of the company in the South End.

Two other members, Philip Austin Fish of Ward 16 and William J. Galvin of Ward 2, having failed to appear between 2 p. m. and 5.30 p. m. as directed, subsequently came to a later session and admitted that they also were of the party that called upon Miller on December 24.

None of the four had admitted their participation in the conference with Miller either at the hearing by the Committee on Public Safety or at a meeting of the City Council held twenty-four hours later. The minutes of these meetings reveal that members of the Council publicly requested any who had visited Miller to disclose their identity.

The two who made a belated appearance before the Finance Commission testified that they would not have come to the second Finance Commission hearing but for the fact that they had been imperturbed by friends to come in, Langan and Sullivan having already appeared and made admissions.

The excuse given by Galvin for failure to appear at the first hearing was that he was busy on other matters. He stated that he later decided to appear because he would not have the other two councilors, namely Langan and Sullivan, "hold the bag for him." Galvin, on the witness stand, questioned the right of the Finance Commission to make inquiry, though he had voted for the order requesting investigation. Fish gave the excuse that his failure to appear was that his health was impaired.

Galvin, Fish, Langan and Sullivan stated on the witness stand that because they had heard gossip that money was paid to Council members by the Independent Taxi Operators Association they thought it necessary to call upon the Operators Association official to discover the truth and to give the information that they had not received any and would not accept any. They all admitted that they had not thought it necessary to inquire of their brother members of the Council nor to inform their brother members that they had visited the taxi officials before Miller and Naymie had disclosed the visit to the Committee on Public Safety.

In more or less elaborate explanations for the visit to the taxi officials, each of the four emphasized that he was motivated by a desire to protect his name against scandalous imputations and had made that plain to the taxi operators' official. Mr. Miller, however, testified that no mention was made by any one of the councilors of any desire to protect his name. He stated unequivocally that the only questions asked related to whether or not the operators had raised a fund of \$10,000 or similar amount to buy votes in the Council.

All testimony given was under oath.

Councilor Galvin of Charlestown admitted that before the visit, he had called Mr. Miller on the telephone from a pay station at a downtown restaurant and had inquired as to the truth or falsehood of the gossip. He stated to the commission that the reply of Mr. Miller on the telephone was unsatisfactory. He stated also that he was unable to recall exactly what was said or what was unsatisfactory about it.

Mr. Miller, on the other hand, testified that the question asked on the telephone was simply, "Is it true that the Independent Taxi Operators Association has raised a fund to buy votes in the City Council?" to which he stated he replied, "That is absolutely not true." Mr. Miller said that his understanding of the telephone conversation was so clear that he was surprised later to see the four councilors come in and ask the same question all over again.

It is a matter of opinion as to the degree of responsibility among the four councilors for the visit. It is agreed by the four that Galvin made the telephone call, and that Sullivan was not there at that time but joined the group later, and thereafter participated to the same extent the others had.

It is impossible for the commission to know definitely what was in the mind of each of the four councilors when he made the secret visit to the taxi office. On the evidence received, however, the Commission is satisfied that their primary interest was to find out if money could be obtained for votes favorable to the Independent Taxi Operators' cause. Mr. Miller's testimony was clear and concise and impressed the commission as being truthful and unbiased.

The claim that the purpose of the visit by the four councilors was to protect their names is not accepted. They concealed the visit from their fellow-councilors until admission was forced out of them.

If the four members were primarily concerned about reflection upon their honor and integrity and that of their fellow-members, they might have made inquiries as to the truth of the stories in many other ways, none of which would have placed them or their fellow-members under such a cloud of suspicion as that which formed when they sat mutely in their chairs among their fellow-members after the visit was disclosed by Miller and Naymie.

Respectfully submitted,  
DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
The Finance Commission.

#### Minority Report.

The evidence presented before the commission is positive and direct. Each of the four members

of the Council admitted visiting officials of the I. T. O. A. but emphatically denied that any suggestion of financial reward he paid them for their votes. The officials of the I. T. O. A. supported the councilors in their denial that they had made any wrongful request of the cab officials at any time.

No further evidence appeared before the commission of a factual nature which would tend to change the positive assertion of the witnesses appearing before the commission. Suspicion is not evidence. In the absence of evidence, either direct or circumstantial, hearing upon the pertinent issue, we cannot accept the conclusion of the majority.

On all the evidence before us, as it is now shown, it can be reasonably urged that the four councilors mentioned acted unwisely, but the undersigned members of the Finance Commission cannot find improprieties beyond such conduct.

Respectfully submitted,

JOSEPH A. SCOLPONETTI,  
JAMES H. FLANAGAN.

Referred to Executive Committee, on motion of Coun. GALVIN.

#### CONFIRMATION OF APPOINTMENTS.

President MURRAY called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointments submitted by the Mayor January 23, 1939, of Anthony Hanna and Charles L. Forristall to be Constables connected with official positions and to serve without bonds.

2. Action on appointments submitted by the Mayor January 23, 1939, of Walter Lehman, Huey McKenzie and Phyllis Cassari, to be Weighers of Coal.

The question came on confirmation, Committee, Coun. Lyons and Irwin.

Coun. KELLY—Mr. President, can I have some information as to who the constables are?

President MURRAY—I am given to understand that the appointments are to fill vacancies of constables who have resigned. These appointments came to the City Council last week.

Coun. WILSON—Mr. President, does anybody know what departments they are going into? I assume that they are city jobs.

President MURRAY—One, I am given to understand, is going into the collector's office, and one, I believe, is going into the Building Department.

Coun. WILSON—Mr. President, may I ask that the two questions be separated on the ballot.

President MURRAY—The question now comes on No. 1 on the calendar.

Coun. WILSON—Mr. President, I move that we vote on Mr. Hanna at this time.

President MURRAY—The question now comes on confirmation of the appointment of Mr. Hanna.

Coun. AGNEW—Mr. President, may I ask what the purpose is in separating the names of Hanna and Forristall?

President MURRAY—Coun. Wilson has asked for a division of the question. Any member of the Council has a right to ask for that. The question is on the confirmation of the appointment of Mr. Hanna.

Coun. AGNEW—Mr. President, before the ballot is taken I ask the question again—the purpose of separating the names?

President MURRAY—As I have said, Coun. Wilson is entitled to ask for a division.

Coun. HARRIS—Mr. President, in the case of one of these appointments it is simply a question of the original appointee resigning and another taking his place, to which I believe there is no objection.

Coun. WILSON—Well, then, that is the answer, Mr. President. I had some information in regard to Hanna, but I don't know the other constable.

Coun. SHATTUCK—The other constable is taking the place of one in the collector's office who resigned to take a position at the State House. The appointee is a capable man.

Coun. KERRIGAN—Mr. President, I move that the ballot on both be taken at the same time.

President MURRAY—The motion is out of order, as long as a division has been asked for.

Coun. WILSON—Mr. President, I am glad to withdraw my motion for a division on No. 1, under the circumstances.

Coun. LYONS and IRWIN performed the duty assigned as a committee to collect, sort and count

the ballots on No. 1, and reported as follows: Whole number of ballots 18, yes 18, and the appointments under No. 1 were confirmed.

The question then came on confirmation of the appointees under No. 2. Committee, Coun. Irwin and Sullivan. Whole number of ballots 17; yes 11, no 6, and the appointments were confirmed.

OPPOSITION TO SUGGESTED NEW TAXES.

Coun. FITZGERALD offered the following:

Resolved, That the Boston City Council be recorded as in opposition to the new taxes recently suggested to the Legislature by Governor Saltonstall because if they are imposed they will affect those in Massachusetts least able to bear the burden of increased taxation.

Coun. SHATTUCK—Mr. President, I believe any member who objects to certain taxes should at least suggest some other taxes in their place, because the result of not having any additional taxes is simply to throw an additional burden on real estate. If we have no new source of taxation, and if, from what I read in the newspapers, the additional state tax is likely to be \$40,000,000 more, it will simply mean that the additional amount will be thrown on real estate. I wonder if we want that to happen. Apparently there must be some new source of taxation to meet the tax requirements, and if we are opposed to this suggestion, we should at least have the courage to suggest some other way of meeting the problem.

Coun. FITZGERALD—Mr. President, I am heartily in favor of relieving real estate from the burden from which it now suffers, but, with all the taxes that have been imposed, real estate has not been relieved one iota. I do believe, however, it is important to try to aid those who are unable to bear the burden of increased taxation, and that some solution should be worked out. I am entirely willing that this resolution should go to the Committee on Rules, but I do feel that we should have in mind the fact that we are imposing greater and greater burdens on many who are unable to assume them, and also that we should do our best not to drive business to the wall. There are plenty of taxes now, and I don't believe we should impose additional tax burdens without a great deal of thought and study. As I say, I am perfectly willing that this resolution should be referred to the Committee on Rules.

Coun. WILSON—Mr. President, I would suggest to the councilor that we at least should not be inconsistent in our action in this body. It seems to me that we would be so if, after voting to increase every license fee in the City of Boston, we should then go on record as saying that there should be no increased taxes imposed by the Legislature.

The resolution was referred to the Committee on Rules.

CONTINUATION OF W. P. A. ACTIVITIES.

Coun. KERRIGAN offered the following:

Resolved, That the Boston City Council memorialize Congress to continue the activities of W. P. A. at full complement and rescind the recent action of cutting one hundred and fifty million dollars from the appropriation for W. P. A. projects.

Coun. KERRIGAN—Mr. President, the action taken by the Senate last week in reducing the appropriation of the W. P. A. by \$150,000,000 may reduce temporarily the national budget, but within a very few weeks it will increase local expenditures for relief. Instead of calling for a reduction in expenditures of the W. P. A., present economic conditions indicate that there should have been an increase, for the present business conditions in the early part of 1939 are worse than they were in 1938, and they were worse in 1938 than they were in 1937. \$151,000,000 was spent in Massachusetts for welfare in 1938. This represented an increase of 33 per cent more than the year 1937 and it affected one third of our population in Massachusetts, which means that more than one million people needed public aid; and added to this one hundred fifty-one million, another twenty-seven million was spent for unemployment compensation. The Senate in reducing the appropriation asked by the President in the amount of

\$150,000,000 was based upon his knowledge of the actual conditions of the country, but it would seem that Congress has been influenced more by large corporations and banks than it has been by its own good judgment and common sense and the appeal of the President. When the history of the period in America for 1929-1939 is written, historians will declare it to be one of the most disgraceful and stupid periods in all the history of mankind. We have in this country the ridiculous situation of people without work and depending upon relief, whereas we have every financial strength and national resourceful powers to give employment to all able-bodied men and women, and not only to wipe out all relief rolls but also thereby to reduce the great burdens of taxation which are a menace to business, and which the American people cannot much longer bear nor endure. The people had been lead to believe that so long as the economic depression continued, Government, City, State and National, would come to their aid. Now that Congress has bowed to the will of outside influences and crippled the efforts of the President to aid cities and states, there is cause for public indignation. The propaganda of big business, especially bankers, evidently has had a strong influence on Congress. These elements in our society, especially the bankers, have for a long time been criticizing the Government because during the past ten years it has been necessary to increase the national debt by \$20,000,000,000 to aid the people. This money has been well spent, because it has prevented much suffering and privation and has resulted in much employment and public works improvement. These same bankers who condemn this increase in our national debt by \$20,000,000,000 seem to forget that during the period from 1921 to 1929 they sent \$20,000,000,000 or more of American money to South America and Europe, and little if any of this money will ever come back to this country. In the blackest days of the depression, when the bankers who do not need aid now but who did need it then, they spoke in a different tone of voice. They asked the American Government to give them a credit of \$5,000,000,000 which the Government did, and now by direct and indirect influence they have caused the National Congress to deprive the needy of a paltry and small sum of \$150,000,000. By this reduction of \$150,000,000 for the W. P. A., more than seven thousand people will be thrown out of employment in Boston. Necessarily, therefore, they must be supported by direct relief. Relief expenditures to the unemployed have furnished less than a bare existence, but the expenditures that have been made for employment under the W. P. A. have furnished a higher standard of living, because those receiving it have been able to pay more in rent and buy more of food and the necessities of life, thereby adding to general business conditions. So long as those who control the money power of this country prove themselves incompetent or without patriotic endeavor to set our economic house in order, the Federal Government must, instead of decreasing appropriations, increase them. To do otherwise is to invite danger and to make our economic condition worse than it has ever been at any time during the past eight years.

The resolution was referred to the Committee on Rules.

TRAFFIC LIGHTS ON BENNINGTON STREET, WARD 1.

Coun. IRWIN offered the following:

Ordered, That the Traffic Commissioner, through his Honor the Mayor, be requested to install traffic lights at the junction of Bennington and Byron streets, Ward 1, and also at the junction of Bennington street and Neptune road, Ward 1.

Coun. IRWIN—Mr. President, the policy of the Traffic Commissioner and also of the Mayor, during this past year, has been to reject each and all orders calling for traffic lights in various parts of Boston. I do want, however, to call attention to the seriousness of the situation over on Bennington street in East Boston. Bennington street is over a mile long and 90 feet wide. During the racing season it is a speedway for motorists and during the past year there have been four deaths and many accidents along that highway. I think, therefore, in view of the seriousness of the situation that an exception should be made in this

case. The expense will amount to about \$8,000, and I think if the Mayor and the Traffic Commissioner will give some study to the situation that confronts us there in East Boston they will see that it rises above the ordinary problem, and that there is something besides economy to be considered.

The order was passed, under suspension of the rule.

#### PENSIONING OF FIRE DEPARTMENT MEMBERS.

Coun. IRWIN offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation to authorize the pensioning of members of the Fire Department after twenty-five years of service, irrespective of age; provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

#### ORDINANCE RE PARKING SPACES.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel, through his Honor the Mayor, be requested to promptly forward for City Council consideration requested form of city ordinance relating to outdoor parking spaces.

Coun. WILSON—Mr. President, I feel that the passage of this order at this time is very urgent, hearing in mind the fact that as long ago as November 28, about two months ago, a similar request was made, that the Corporation Counsel, through his Honor the Mayor, prepare and forward to the City Council for consideration a form of city ordinance relating to outdoor parking spaces. I repeated that as recently as January 9. On November 30, 1938, there were in the City of Boston one hundred and fifty-nine outdoor parking spaces, over one quarter of which were within the control of three corporations or individuals. I called attention to the fact that the average parking space offers no protection to those parking there against loss of or damage to their property. Also, under the present procedure, licenses are given by the Street Commissioner without any real check-up as to the number of cars allowed to be parked on a lot. We were told a year ago by the Street Commissioners that by placing cars together, hub to hub and humper to humper, all they could get in 1,000 square feet were nine cars. But we find, looking over the parking spaces in Boston, that they get ten cars on a 1,000 square-foot lot, twenty-five on a 2,400 square-foot lot, and seventy-five on an 8,600 square-foot lot. In other words, there is no limitation as to number of cars, no protection so far as fire hazard is concerned, nor individual protection to the owner who parks his car there. I trust, therefore, that there will be no further unnecessary delay in preparing a form of city ordinance relating to outdoor parking spaces, that the delay we have already had will no longer continue. I trust that immediately, or as soon as possible, such an ordinance may be submitted to the Council, be referred to the Committee on Ordinances; and that we may take timely action before the 1939 licenses for such outdoor parking spaces are issued. I assume that the delay of two months is due to pressure of other business, but I certainly trust that there will be no further delay in the preparation of such an ordinance, and that it may be acted upon and applied promptly.

The order was passed under suspension of the rule.

#### COMPLIANCE WITH BUILDING LAW IN HOUSING PROJECTS.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority, through his Honor the Mayor, be requested to comply with the Building Law of the City of Boston, incident to construction of proposed housing projects.

Coun. WILSON—Mr. President, my understanding is—and I get this from sources I consider reliable—that the building laws of the City of Boston, so far as one or more of the housing projects are concerned, are not in some respects being com-

plied with. Therefore, I urge that the Boston Housing Authority be requested, through his Honor the Mayor, to comply with the building laws of the City of Boston in the construction of proposed housing projects. Certainly the governmental agencies should be the last agencies in the world to break the building laws.

The order was passed under suspension of the rule.

#### LIBRARY IN FOREST HILLS.

Coun. LANGAN offered the following:

Ordered, That the trustees of the Boston Public Library be requested, through his Honor the Mayor, to make provisions for the establishment of a public library in the Forest Hills, Ward 19, section of Boston.

Coun. LANGAN—Mr. President, there has been for years a lamentable lack of library facilities in Ward 19. That has been particularly true of the Forest Hills section. Eight years ago we were promised that there would be established in that section a public library, and when a library was erected in the lower section of the ward we were told that it would take care of the requirements of the Forest Hills section. Mr. President, the people of that section have been patient for over eight years, have not received the library facilities they deserve in that part of the ward, and I believe now that they are as much entitled as any other section of the city to receive this consideration.

The order was passed under suspension of the rule.

#### REFUND TO BURNER'S HOFBRAU.

Coun. LANGAN offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation to authorize the City to refund to Burner's Hofbrau, Incorporated, the fee paid for a restaurant alcoholic beverage license which was granted but not issued, provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

#### TRAFFIC SIGNALS, CUMMINS HIGHWAY AND HYDE PARK AVENUE.

Coun. LANGAN offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install traffic signals at the corner of Cummins Highway and Hyde Park avenue, Ward 19.

Passed under suspension of the rule.

#### REINSTATEMENT OF PATRICK F. REGAN.

Coun. CAREY offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation for reinstatement of Patrick F. Regan, 23 Sunnyside street, Jamaica Plain, to his former standing in the Boston Police Department, provided that such legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

#### CLEANING OF WARD 13 STREETS.

Coun. HUTCHINSON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange for the immediate cleaning of all streets in Ward 13 and to see to it that they are kept clean in the future.

Passed under suspension of the rule.

#### USE OF VETERAN'S HOSPITAL, WEST ROXBURY.

Coun. LYONS offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to consider the advisability of utilizing

the property, formerly known as the Veterans Hospital, in West Roxbury, which is now in the custody of the Hospital Department, as a convalescent hospital for women.

Passed under suspension of the rule.

ASSISTANCE FOR EMERGENCY WORK,  
CITY COUNCIL DEPARTMENTS.

Coun. KERRIGAN offered the following:

Ordered, That the President be hereby authorized to employ such temporary assistance as may be required to dispose of the accumulated and emergency work of the City Council Departments; the expense to be charged to the appropriate item in the City Council appropriations.

Passed under suspension of the rule.

SIDEWALK ON McBRIDE STREET.

Coun. ENGLERT offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along McBride street (both sides), Ward 11, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of granolithic, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

RECREATIONAL BUILDING, WARD 4.

Coun. CHASE offered the following:

Ordered, That the trustees of the White Fund be requested, through his Honor the Mayor, to consider the possibility of erecting a recreational building in Ward 4.

Passed under suspension of the rule.

REPORT ON TAXICAB ACT.

Coun. TAYLOR, for the Committee on Public Safety, submitted a report on the order (referred December 12, 1938) for acceptance of Act relative to public taxicab stands—recommending reference to Executive Committee.

Report accepted; said reference ordered.

UNDERPASS, BLUE HILL AVENUE AND  
MORTON STREET.

Coun. ROSENBERG offered the following:

Ordered, That his Honor the Mayor be requested to take up with the proper state officials the matter of constructing an underpass at the junction of Blue Hill avenue and Morton street, Ward 14.

Coun. ROSENBERG—Mr. President, recently his Honor the Mayor vetoed an order looking to the authorization of an underpass at the corner of Blue Hill avenue and Morton street. I have noticed that some cities and towns of the state have requested consideration by the state authorities of under and overpasses in their communities, and I have therefore introduced this order requesting the Mayor to take the matter up with the proper state officials. Morton street is practically a state highway, and I think if his Honor the Mayor interests himself in the matter, it may be possible to get the State Department of Public Works to do some of the work. If such a project could be carried out, certainly the people of that section, and the people who have occasion to travel through there, will very much appreciate it.

The order was passed under suspension of the rule.

RECESS.

The Council took a recess, subject to the call of the Chair, at 3 p. m. The members re-assembled in Faneuil Hall and were called to order by President MURRAY at 5 p. m.

CONFIDENCE IN FELLOW MEMBERS.

Coun. MURRAY offered the following:

Resolved, That notwithstanding the majority report of the Finance Commission relative to the taxicab situation the members of the City Council have confidence in and believe in the honesty and integrity of their fellow members whose characters were reflected upon therein, and believe their fellow members' statements as to their motives and participation in the matter.

The resolution was passed by a unanimous rising vote.

EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on Finance Commission report (referred today) re taxicab situation—recommending such action as may be deemed necessary and desirable.

The question came on accepting the report and placing the communication from the Finance Commission on file.

Coun. IRWIN—Mr. President, I rise to a point of information. I would like to have the report read again.

The clerk read the report on the Finance Commission report in regard to the taxicab situation, recommending such action as may be deemed necessary and desirable.

Coun. FISH—Well, I don't understand that, Mr. President.

President MURRAY—The question is on accepting the committee's report and placing the communication on file.

Coun. IRWIN—Mr. President, I would like to find out if we are accepting the report of the majority of the commission. As we understand it, as we talked in Executive, the intent was to reject the majority report of the Finance Commission and accept the minority. I want to know if that will throw the motion I have in mind?

President MURRAY—The Council has already passed a resolution in regard to the matter. The report of the Finance Commission is not before this body for acceptance or rejection. We merely accept the report of the committee, and place the communication from the Finance Commission on file.

Coun. WILSON—Mr. President I move, then, that the matter be referred back to the Executive Committee.

Coun. IRWIN—And I second the motion.

The matter was recommitted to the Executive Committee.

2. Report on letter from Mayor and order (referred today) transferring property at 64 Marion street, East Boston, from custody of Fire Department to custody of Public Works Department—that same ought to pass.

Report accepted; said order passed.

3. Report on message of Mayor and order (referred today) appropriating \$19,000 for activities of Municipal Employment Bureau—that same ought to pass.

Report accepted; said order passed.

4. Report on petition (referred to Committee on Public Safety, December 12) that act abolishing special taxicab stands be accepted—that same ought to pass.

The report was accepted, and the question came on the passage of the order.

Coun. NORTON—Mr. President,

Coun. CHASE—Mr. President, in view of the fact that the Boston Police Commissioner has requested an opportunity to make arrangements for the granting of licenses under the new act, if accepted, I don't feel that this body should act too hastily in the matter. I feel that the only thing to be done is to lay the matter on the table until the Police Commissioner has informed the body of his ability to carry out the provisions of the act satisfactorily. I move, therefore, that the matter be laid on the table.

President MURRAY—The councilor is out of order at this time.

Coun. NORTON—Mr. President, I favor public taxicabs on our public streets. I favor the democratic way, the right way, the clear way, the proper way, adopted by every great city in the world except Boston for managing the taxicab problem. I have always been interested in the taxicab drivers in all the years since I have seen them at work near the Commonwealth Pier and

elsewhere, in daylight and darkness, heat and cold attending faithfully to their duties, working hard, and sometimes bringing home to their little families not more than \$7 a week. Therefore, what I am asking for is the acceptance of a democratic act, which means fair play, which means the proper way of handling this taxicab question in the interest of the hard working, deserving taxicab drivers that we have in our city.

Coun. CHASE—Mr. President, according to my understanding of parliamentary law a motion to lay on the table is always in order, and I feel that my motion should have been recognized.

President MURRAY—The Chair had recognized Coun. Norton who had the floor and was not subject to interruption except for a point of order.

Coun. CHASE—Mr. President, I now move to lay the order on the table.

Coun. NORTON—And I ask for a roll call, Mr. President. The motion to lay on the table means delay of certainly a week.

(Several members addressed the Chair.)

President MURRAY—There is no debate in order on the question of laying on the table.

Coun. Chase's motion to a lay on the table was lost, upon roll call, yeas 2, nays 19:

Yeas—Coun. Chase, Lyons—2.

Nays—Coun. Agnew, Carey, Englert, Fish, Fitzgerald, Galvin, Harris, Hutchinson, Irwin, Kelly, Kerrigan, Langan, Murray, Norton, Rosenberg, Shattuck, Sullivan, Taylor, Wilson—19.

President MURRAY—The question now comes on the passage of the order.

Coun. TAYLOR—Mr. President, as chairman of the Committee on Public Safety, I have presided at the many and lengthy hearings pertaining to the taxicab situation. In fact, I have slept with it. I tried to perform my duty in an impartial manner, attempting to give both sides a full opportunity to present their side of the case. I regret to say that during the hearings there were many flare-ups, which, in my opinion, were not caused by any difference of opinion on the taxicab situation but were the result of personal feelings. Disregarding all controversies of a personal nature, and all the testimony which was immaterial and irrelevant to the issue, I came to the following conclusions. For several days the proponents put in their side of the case. I intend to be frank about the entire situation. Mr. Miller of the I. T. O. A. was the only witness for the proponents who impressed me. In a clean-cut and straightforward manner he pleaded the cause of the Independents. He didn't attempt to castigate anyone. He tried to impress upon the members of the Council that the people voted and spoke; that we should carry out the mandate of the people. He tried to convince the Council that if we accepted the act, the fares would be more equally distributed and would help a lot of honest and conscientious cab drivers make a better living; and incidentally I know personally a great many drivers and know them to be married men supporting families, and very trustworthy. Mr. Miller's testimony was very sincere and convincing, and he is a credit to the I. T. O. A. organization. On the other hand, none of the other witnesses impressed me. It is my frank opinion that Mr. Naymie was a detriment to the cause of the Independents. If I were a judge sitting on the bench, I would give no weight to his evidence at all. He was too willing at all times to impugn the honesty of any public official or any reputable person who disagreed with him in this question. Such a person, by his conduct, his attitude, and testimony, in my opinion, is unworthy of belief. He did not impress upon me that he was sincere and zealous in the cause of his fellow worker, but that his interest was purely a selfish one; that he thought only of his own personal gain, and to accomplish this purpose he did not hesitate to resort to any tactics, regardless of the consequences to innocent and law-abiding people. In the event the City Council accepts the act, and private stands are abolished, in spite of Mr. Naymie's actions, I would admonish the I. T. O. A. to be very careful to select more men of Mr. Miller's caliber who truly and sincerely represent their body, so that the actions of their representatives will reflect credit and not discredit to them, which will not cause the public to become aroused and revoke the action of their many years of struggle. No

comment is necessary regarding the others who spoke for the proponents. In my opinion they were not inspired by any sincere or altruistic motives. As for the opponents of the measure—I have the utmost regard for the character of every one who spoke in their behalf. Mr. Frank Sawyer, whom I had never met prior to the hearings, made an able and dignified presentation of what he believed to be the facts in the taxi situation. The contrast was striking. He at no time attempted to win his point by he-smirching the character or reputation of other people. In fact, he spoke very highly of the cab drivers connected with the I. T. O. A. He is to be commended for his rise in the taxi business. Starting from scratch as a taxi driver, he has by sheer effort built a large cab business. Naturally, after years of hard struggle he is unwilling to share his business with others. His views on the question have been substantiated by many reputable men and organizations which they represent. It is difficult to disregard their testimony. In my opinion, they were very fair to all parties concerned. From their testimony I am led to believe that the abolition of the private stands is not going to help the Independents. The hotel men evidently are not going to allow any cabs in front of their hotels. It is very easy to see to whom the hotel business is going. It will give the Independents plenty of competition on the public stands they now control, which business will be split up. If the act is accepted, I hope that their efforts will not have been in vain. However, the most important thing that concerns me is whether we should base our decision wholly upon the evidence presented, or whether I, as a representative elected by the people, can disregard the expression of opinion of my constituents as evidenced by their vote on this issue. Testimony has been given that the vote on the question on one ballot was not an expression for the abolition of private stands, but merely that the matter he left to the City Council to determine whether or not they should accept the act. While a great many things may be said for this contention, the publicity given to this question during the last campaign—many radio talks, newspaper advertisements, and speakers at various rallies—must have undeniably led the voters to believe that their vote of "yes" was an affirmative expression of their desire to abolish private taxi stands. As a duly elected servant of the people, I would consider it a breach of trust to disregard the actual intention of the voters and hide behind the flimsy pretext of technicalities. If we are to survive as a democracy, we must do things in a democratic manner. The people have spoken. No one, no matter what high office he holds, whether he be Governor or Mayor, has the right to say, after the people have spoken on any referendum, that he is bigger than the people. No organized minority who has stirred up agitation should control any public official after the public has spoken. I do not intend to be the exception. I do not intend to be politically expedient. I intend to carry out the wishes of the majority of the people and vote for the acceptance of the act to abolish private stands. This is not Germany—I, for one, must abide by the wishes of the majority. In the event that this act is accepted, I trust that the actions of the Independents will never cause me to regret my vote in their favor, but instead will justify the faith that the people have put in them. I wish to thank all the members of my committee for their helpful cooperation, in spite of some of the unfortunate display of feeling and emotion injected into the hearings.

Coun. HUTCHINSON—Mr. President, I had not intended to vote on this question, but I now believe that we have an entirely different aspect of the case. In view of the situation that has since arisen, and in view of the fact that rumors which we heard earlier have now turned out to be unfounded, I believe the people want me to vote on the question. Therefore, I shall vote for the acceptance of the act.

Coun. CAREY—Mr. President, the wording of Question No. 2, or the so-called taxi referendum, as it appeared on the ballot on last election day, November 8th, was very clear and distinct. I quote it from the official specimen ballot, which I have here, as follows: (quoting the No. 2 taxicab referendum.) The people of my district answered that question in an overwhelming manner. The vote on it in Ward 10 was "Yes," 6,685, and "No," 3,337, or slightly better than 2 to 1 in

favor of free public taxicab stands for the use of all taxicabs. It is therefore the expressed will of the people of my district after a well-advertised campaign on the radio, in the newspapers and by placarding every taxicab in Boston, that I vote against the present unfair system of private monopoly and to give every licensed taxicab operator a chance to earn his daily bread. An argument raised by the opponents of open stands against the vote of the people of my district, and of every other district that voted for free stands, is that the people of these districts are not intelligent and that they do not know what they are voting for. This argument is very weak and, in addition to reflecting on the intellect of the voters, belittles the argument of the opponents. Had the "No" vote prevailed, would the opponents contend similarly that the people did not know what they were voting for? Another argument raised by the opponents is that public stands will create disorder, strife and conflict. In this connection may I remind the opposition that we have here in Boston a Police Commissioner who is fully capable of promoting respect for law and order, and under him are approximately 2,300 uniformed men who are constantly referred to as "the nation's finest." Are we then to expect, with the discarding of the present unfair system of private stands, that our Boston Police Department will lose its effectiveness and will be found unequal to the task of maintaining law and order? I refuse to believe it. Up to the present day the Police Commissioner has exercised such control that every cab operator has been considered reliable. What is there in the changing over to free public stands that will take this control away from the Police Department? There is absolutely nothing. The responsibility for the reliability of these cab operators will still rest with the Police Commissioner. The people of Boston are entitled to the lowest taxicab rates that are consistent with regular and dependable service. Riding in cabs in Boston today is a luxury to most of us, and rates here are higher than those prevailing in other large cities where free stands are allowed. The freer competition that will be made possible with the opening up of all stands should result in a reasonable reduction in rates, as was predicted by officials of the I. T. O. A. at the hearings before the City Council Committee on Public Safety. The assignment of public streets to private use is wrong and is an unreasonable grant of special privilege. Time and time again upon entering or leaving hotels and railroad stations, which places are acknowledged to be the best stands, I have observed the unfairness to operators of independent cabs. Monopoly by the present private stand operators should never have been permitted and, Mr. President, I shall therefore today, by my vote, do my part to abolish this monopoly and thereby give to independent operators the justice and the rights that they are entitled to.

Coun. LYONS—Mr. President, I feel today as another councilor and myself felt three weeks ago that this is a matter upon which we should not act too hastily. I felt then that I was supporting the Police Commissioner, in favoring reasonable delays, and I want to state publicly here now if there is any chaos or serious trouble as the outcome of our vote today to abolish the present system and make a new set-up, I don't want any part or parcel of it. I don't want to be held responsible in any way for any deaths or riots that will occur in Boston. The Police Commissioner won't assume any responsibility because he asked for an extension of time, I am in favor of postponing action for a certain length of time, although not for ninety days. Attending every meeting of the Safety Committee, although not a member of the committee, I sat here day after day and think I am familiar with the whole story. Speaking of the vote of the people, we must remember that that vote placed a certain responsibility upon us. I myself was not interested in taxicabs, but sitting here day in and day out I could see that the present set-up is a set-up that should be carried on until the I. T. O. A. will bring in and submit—which we asked for—an operating policy, to be offered to the Police Commissioner of Boston. Up to the present time they have not put it in, and until they do I would like to keep the law from being operative so far as hotels and everybody else is concerned. We have had the leading business men and hotel men and railroad men and everybody else down the line asking that the present set-up be retained, and I think these men have been in business long

enough to know what they are talking about. In the meantime, I will vote for the present set-up in Boston.

Coun. ROSENBERG—I believe that during the past few weeks we have had the opportunity before the committee of hearing the proponents and the opponents, in reference to the taxicab referendum. During the great many years that the taxi operators have been in business, both the Independents and the organized companies, there have not been any chaos, disorder or riots in the City of Boston. I believe, as has been stated here previously, that the operators of the I. T. O. A. cabs are men who are honest, law-abiding citizens, men who are out to make an honest living, men who are living in the City of Boston and want to do everything to uphold law and order. Occasionally violations may occur, but I do not believe that the members of this body need fear that at the present time, through the passage of this act, the members and representatives of the Independent Taxi Operators Association are going to create any chaos or disorder, or cause any condition for which we will have any regret. I believe by voting as I am going to vote, in favor of this order, that you are going to have a fair and equal distribution of the taxi service throughout Boston. You are going to get an honest service from the members of this association. You are going to have peace and order reigning and you are going to find that the operators of both concerns are going to cooperate with the commissioner to the greatest extent by preserving and making Boston a model city. They have free taxicab open stands in the great major cities of the country. I believe that Boston is the last of the big major cities that has not got the free open stands, and I believe by voting to accept this act we are going to continue to preserve law and order as we have in the past. I trust that the members of the Council will join in voting in favor of equalization of taxicab rights in the City of Boston.

Coun. CHASE—As a member of the Committee on Public Safety, I have given considerable attention to the matter before us. I was very much impressed by the testimony of the Chamber of Commerce. I was very much impressed by the testimony of the railroad officials and steamboat officials and every other reputable business man who appeared before us. I have given careful thought to the matter and especially to what Police Commissioner Timilty has said, that he desires further time before the Council acts on this order. After all is said and done, we are a legislative body and as such we should not act hastily on a matter so vital to the safety of the citizens of Boston. If it were a matter involving something upon which the Public Works Commissioner was to have the final say, I dare say that every member of this body would act in accordance with what the Commissioner of Public Works had to say. The Police Commissioner, too, is charged with carrying out this act. He has asked this body to give him further time to formulate a plan whereby he can carry out the wishes of the voters, and because of this reason I cannot logically cast my vote other than "No," because I personally am very much impressed by the testimony of the Police Commissioner, our present commissioner, and by the testimony of the Police Commissioners of the past who have had complete jurisdiction over this matter for the past forty years. There is not a member of this body who is so well acquainted with the taxicab situation as the Boston Police Department. Therefore, Mr. Chairman, in view of the fact that the Police Commissioner has asked this body not to pass on the matter until he has formulated a plan, I cannot vote any other way but "No."

President MURRAY—The question is on the passage of the order.

Coun. GALVIN—Under Rule 23 of the City Council I ask consent to be excused from voting on this matter. For the past four or five weeks, four members of this Council, including myself, have been vilified and assassinated by every newspaper in the city. It is the general opinion of the public up to the present time that our intentions were not honorable in going to the I. T. O. A. office. This afternoon in executive session Mr. Miller cleared that situation up by giving a statement of the real facts that occurred down in his office. As a general rule, ninety-nine times out of one hundred I would go along with the mandate of the people. I know, however, that the people

of my district will excuse me from voting on this matter and I ask the members of this body to excuse me from doing so.

The question came on the passage of the order, and the order was passed, yeas 18, nays 2:

Yeas—Coun. Agnew, Carey, Englert, Fish, Fitzgerald, Harris, Hutchinson, Irwin, Kelly, Kerrigan, Langan, Murray, Norton, Rosenberg, Shattuck, Sullivan, Taylor, Wilson—18.

Nays—Coun. Chase, Lyons—2.

Coun. LANGAN—I ask unanimous consent to make a statement.

President MURRAY—Coun. Langan asks unanimous consent to make a statement. If there is no objection, he may do so.

Coun. LANGAN—For the past two weeks I have felt much as Coun. Galvin has, that there has been adverse criticism of certain members without foundation. I do not desire to make a lengthy statement in regard to the taxicab matter which so vitally concerns this body, but I am amazed at the unfair and unjust conclusions drawn by the three members of the Finance Commission which had no basis in the evidence presented before them. For some strange and mysterious reason the Finance Commission report was issued on the eve of the most important vote to be taken by the City Council in this matter. From my entrance into this body my only desire has been to do what was honorable and what was fair. I have not done, nor have I now any desire to do, anything that is not honorable. The motive which I had in going down to the Independent Taxi office were those of an honest, honorable man. The motives which I had were the same motives as stated by Mr. Miller, and in my opinion which were not taken fairly by the Finance Commission. I stand before this body today grateful for the vote of confidence which they have placed in me and my fellow councilors. I assure them that that vote of confidence is justified. As I said, I have felt for the past two weeks as Councilor Galvin did, and yet I feel as though I had to have the courage to come out and vote on the principle that was involved in this matter, namely, to give equal opportunity to free democratic men in the city. Perhaps it would have been wiser for me to sit in the background. From my entrance into the Council I have never indulged in personalities nor have I let my personal feelings against any individual member influence me in any way, nor shall they in the future ever influence me in any way. I have voted on this measure on this occasion first on principle and secondly because of the mandate of the people, and I intend that my every vote in the future shall be guided by those two principles.

5. Report on petition of Readville Greyhound Association, Inc., for laying out and location of land in Readville as a dog racing track—that same ought to pass.

The report was accepted, and the question came on the passage of the order.

Coun. CAREY—Mr. President, with regard to dog racing, I quote the question as it appeared on the official ballot on November 8, a specimen of which I have here with me (doing so). May I call the attention of the members of the Council to the last five words of the question, namely, "be permitted in this county." These words are somewhat misleading and it is my sincere belief that thousands of voters in Suffolk County voted "Yes" on this question, having in mind that licensed dog racing has been permitted in the neighboring city of Revere for the past few years and that by their "Yes" vote on November 8 last they were sanctioning a continuance of dog racing at Revere, which city is, as we all know, in this county. A favorable vote on dog racing was advocated by Mayor Tobin during the campaign last fall, yet I doubt—and I think his vetoing of the previous petition of the Readville Greyhound Association bears me out—that the Mayor desires to force on an unwilling local citizenry this so-called sport of dog racing. And I am firm in my belief that the voters of Ward 18, and of every other ward in fact, were sincere in voting favorably on this question and that this sincerity was meant only in so far as a continuation of racing at Revere was concerned. The councilor from Hyde Park is one of the veteran members of this body. He is well acquainted with procedure at Council meetings, both in Executive and open session. It has been my experience, as a member of this body, to note

that the wishes of the local councilor are respected when matters come before the body affecting a particular district. The Boston Post and other morning newspapers in their issue of one week ago last Tuesday morning very competently quoted the remarks of Councilor Norton relative to the granting of the Readville dog track permit. He acquainted us with figures showing that on November 8 last his district voted for dog racing by better than 2 to 1, and it was his expressed opinion that the unemployment situation would be relieved with the opening of the track. My position on the original petition was definitely determined by the attitude of the councilor from Hyde Park at the Executive session two weeks ago today. Since the approval of the original petition by this body strenuous opposition has arisen amongst the people of Ward 18 against the promoting of this sport at Readville, and rather than force the people to accept this sport in their locality, I feel that this matter should be tabled for a week or two and provide some thorough opportunity for the residents of the district to definitely display by some positive action whether or not they want dog racing at Readville. Should this suggestion not prevail, I shall, in view of the demonstration of opposition, vote "No" on this petition. At the public hearing of the Executive Committee on Thursday last, I was seriously impressed by the quality and extent of the opposition. And I have in mind particularly the opposition registered by the clergy of every denomination in Hyde Park and Readville, by the Board of Trade in the district, and by the two members of the House of Representatives from Ward 18. A very timely suggestion was offered by the Rev. Father Regan, pastor of St. Ann's Church in Readville, in whose parish the track is contemplated. Father Regan called to the attention of the Executive Committee, and quite correctly so, the fact that the hours devoted to dog racing are at night, between seven and twelve o'clock. Staging of these races will naturally attract large numbers of young people, and I speak particularly of those between the ages of ten and seventeen years of age. We will admit that these children perhaps cannot gain admittance to the track, yet they possibly may. At any rate, children who are now unaccustomed to being out at night will be on the streets during the hours of seven and twelve o'clock primarily because of this attraction and for other reasons incidental to it. Ward 18 is a district of homes, yes, may I add happy homes, no doubt, and I am sure that the members of this Council will hesitate to take any action that might tend to bring unhappiness into even one home in that district. The argument has been advanced that there are many empty stores and business houses in that section, and that there are many homes for sale in Hyde Park and Readville, and that business will boom in that district with the establishment of a dog track there. Nothing can be further from the truth. Fellow members of the City Council, at best this track would not be permitted to operate over sixty days in a season and we all know that such a short run as this could not bring business and wealth to that neighborhood in such volume that these stores will become occupied and that these "For Sale" signs will come off these homes. What will these suddenly opened stores do during the other ten months of the year, and we might find that as a direct result of this dog racing there that a great many more "For Sale" signs will appear than are on view at the present time. We listened at the Executive Committee public hearing to the protests registered by the two members of the Legislature representing this district at the State House. These legislators, I feel, did not use snap judgment, nor did they seek idle publicity in appearing before this body last Thursday. Their stand on this matter is of the utmost concern to them and I sincerely believe that they came here only after considerable investigation on their part as to just how the people of their district feel relative to dog racing in Readville. Had they found sentiment favorable, it would have been just as easy for them to come before the members of the Council and request favorable action on this petition. While there might be doubt in the minds of some of the members of this body as to the selfishness of some of the others who appeared before us in opposition to this track, I cannot help believe but that these two state representatives from Ward 18 conveyed the true feelings of the people of the district, and I therefore conclude that, in the absence of any



definite proof to the contrary, the people of Hyde Park and Readville are opposed to the approval by this Council of this petition.

Coun. IRWIN—Mr. President, I believe it is more mandatory on the part of this Council to vote for the granting of this permit for the dog track than it was to vote "Yes" on the taxicab situation. There is no question—no matter what anyone in the Council or anyone that appeared before these hearings thinks—what the people of Hyde Park would have done had the question been phrased, whether or not a dog track should be erected in their district. The question was simply the dog racing and they overwhelmingly approved of it. Now, there are also other reasons, in the way of benefits, why the Council should permit this petition. We all, I think, know that the proceeds from the dog track are to go to the Old Age Assistance Fund. We know that that is a deserted village, and those are the exact words the councilor from that district used two weeks ago, and that with the erection of a dog track, the value of the land will increase and more money will come into the city through that added assessment. It will also put men to work erecting the park, and it will put men to work during the racing period. If, as has been said, the people of Hyde Park would not have voted if they had known a track would be erected in their district, then I say to the people of Hyde Park that they were extremely selfish. If the argument they advanced at these hearings relative to gambling and the rough element and everything else that comes in with dog racing indicated that a dog track and what went with it was not good enough for Hyde Park, then it was not good enough for Revere, where a dog track is operating now, and not good enough for East Boston, where they voted to maintain horses. So I say, if it was good enough for any other district, then it is good enough for them, and if they did not approve of horse and dog racing in their district they should not have voted overwhelmingly for it to be held in any other district.

Coun. TAYLOR—I like to be consistent about matters of this type. I do not like to get up one minute and make a speech to the effect that I intend to vote according to the mandate of the people, and then get up on another matter on which there was also a referendum of the people and say, "The people be damned; I shall vote as I like." We have got to be consistent. The people voted for dog racing and you cannot get around it by any flimsy technicality. We have got to decide whether or not the people voted for it. If the people voted for it, any public elected official, as I said before in my speech on the taxicab situation, whether he be a councilor or whether he be the Mayor or the Governor or any other high public official, cannot turn down the vote of the people. He cannot advocate it before election and then after election say he was wrong. He must abide by the vote of the people. We have got to be consistent about these matters; and when anybody says the sentiment of Hyde Park is overwhelmingly against a dog track, I call attention to the number of people who came here at that public hearing when the newspaper headlines spread it out: "Dog Track in Hyde Park." An opportunity was given them to be heard, and sixty-one people appeared who were interested in seeing that no dog racing came to Hyde Park. The vote out there is conclusive. I realize the clergy's position and I have the greatest respect for them, but they do not always speak the voice of the people. They preached from their pulpits not to vote for dog racing, but the people still voted for dog racing. I say the people have some rights in this community. The voice of the people was expressed on election day before these people came here and protested, and the voice of the people, in spite of what those who protested here said, was in favor of dog racing. I say that the people have some rights in this matter, that they have expressed their opinion in a referendum on election day. We have already by our votes supported the voice of the people on one referendum, at this meeting, and I see no reason why we should not also pass this order, which was indorsed in referendum by the people.

Coun. SHATTUCK—Mr. President, the question before the Council today is an entirely different question than that which was placed before the voters on election day. The question now before us is whether we favor this particular petition for

the laying out and location of land in Readville as a dog racing track. That is a question upon which the people never voted. The question the people voted on was, whether or not dog racing should be permitted in Suffolk County,—in other words, whether or not the law as it was should be continued. The law as it was can be continued without more dog racing in Suffolk County. The people merely voted to maintain the *status quo*. Certainly, the people of Hyde Park did not realize that their vote would be construed as it is now being construed by some, and did not vote to have dog racing in their own back yards; nor did they necessarily vote to have more dog racing than we have at the present time. There is no mandate of the people. We must take the responsibility for what we do. I am against this petition, and I believe the people of Hyde Park are against it. I do not believe we should impose a dog racing track on a locality that does not want it. We have seen all the elected representatives both in this city and state of the Hyde Park district against this license. We have seen all the clergy against it. We have seen the representatives of many civic organizations against it, and it is clear that the people do not want it. We should not—even if there was not a majority, but a substantial number, a large number or portion of the people in Hyde Park who did not want this racing in their neighborhood—impose it upon them. I shall vote "No" on this license.

Coun. AGNEW—Mr. President, it appears that we are now in the position of denying or questioning the intelligence of the people who went to the polls last November and marked their ballots on this particular question. As a councilor of the City of Boston, I believe that I have no right to question the intelligence of the people in voting upon this matter. I feel, and am compelled to feel, that every individual who went to a polling precinct read the ballot, and marked his cross on the different questions upon which he was to pass, knew what he was doing, and the question in this case was, whether or not Suffolk County should permit dog racing. There was an affirmative vote on that referendum in every ward of Boston. I believe, with the exception of two, it being therefore overwhelmingly voted that Suffolk County should have dog racing. I do not agree with the councilor from Ward 10 (Coun. Carey). I am in entire accord with Councilor Taylor when he says that we must be consistent in our action. While one question may be in a more negative form than another, the point is in what direction they tend and it seems to me we have here a clear decision in favor of dog racing. I am in entire accord with the councilor from Ward 1 (Coun. Irwin), who agrees with what I am saying, that we have no right to question the intelligence of the voters; and I cannot indorse the attitude of people from the Hyde Park district who will say, "We don't want dog racing out here, but they can have dog racing in Revere and horse racing in East Boston. So far as we are concerned, sixty-one or sixty-seven of us, we do not want dog racing in our district." But the question of whether or not a license should be granted for a dog track in Hyde Park has really been answered in the affirmative by the voters of that district saying, overwhelmingly, that they are in favor of dog racing in Suffolk County, whether in the Hyde Park district of Boston or in the Brighton district which I represent.

Coun. SHATTUCK—Mr. President, will the gentleman yield for a question?

Coun. AGNEW—Yes.

Coun. SHATTUCK—I wonder how many dog tracks the people voted for last November?

Coun. AGNEW—Mr. President, I would answer that by saying that the people were not asked to vote for any particular dog track. They were asked whether or not they were in favor of having dog racing and horse racing in Suffolk County. To that question they answered in the affirmative overwhelmingly, even in the precinct or the section where this track is contemplated, as presented to us in Executive session. My position on this, Mr. Chairman, is that I personally am not in any position to attack the intelligence of the voters of last November pertaining to this question.

Coun. SHATTUCK—Mr. President, if the gentleman will yield, I would like to know where in Suffolk County the people said those race tracks should be located?

Coun. AGNEW—The people, Mr. President, as I understand it, they were not asked where, and it

made no difference. When they went to the polls and voted on the question, a question pertaining to Suffolk County, they answered in the affirmative. It made no difference, as I have already stated, whether it meant Readville, Hyde Park, East Boston, or any other section of the city.

Coun. CAREY—I would like to inform the councilors from Ward 12 and Ward 21 (Coun. Taylor and Agnew) that I at all times intend to and hope to be consistent, and I for the record will say that the people in Hyde Park are highly intelligent. However, on this dog licensing referendum we have had a very definite demonstration of opposition by splendid representatives of the people of the district, the clergy, the Board of Trade, and members of the Legislature, and I understand the sentiment of the district also is opposed to this dog track in Readville. The question which was definitely asked on the ballot was: "Shall this ring be permitted in this county?" and I heartily agree with the councilor from Ward 5 (Coun. Shattuck) when he asks how many dog tracks did the people in Suffolk County propose when they cast their vote on election day?

Coun. KERRIGAN—Mr. President, two weeks ago the City Council voted permission to establish a dog track at the old Readville racing ground. Because of the dissension that has arisen outside of the City Council it becomes necessary to ask ourselves why we voted on this matter. The answer to the question is a simple one. We voted because the people commanded us to do so. We had no alternative. We had a mandate from the people and we obeyed it. Had we done otherwise we would have been false to a public duty. As I see it, just two things are involved in this question; they are, the right of the people, and the duty of the Council. We have been criticized for upholding the right of the people; we have been criticized for doing our duty. And now we are compelled to defend our action in upholding the right of the people. In the face of this compulsion we would be unworthy of a seat in this body, if we would be flouting and ignoring the expressed wish of the people if we failed to stand by our original action. Let us not appear ridiculous before the tribunal of public opinion. So long as democracy survives, the will of the people will be the supreme law of the land. Whosoever tries to destroy the will of the people, consciously or unconsciously, tries to destroy democracy. I have no disrespect with those with whom I differ, but I would have no respect for myself if I permitted myself to be persuaded by minorities who would invalidate and prevent the will of the majority to be translated into law. I have as much interest in the uplift of society and the improvement of social conduct as any person who ever sat in this body or any person who ever appeared before it to sway its deliberations and votes. I have as much faith in democracy as any one—"the decisions of the majority have a better chance of being right than the opinions of dictators or dictatorial minorities." Nobody has a right to speak for the people but the people themselves. Whatever measure a majority of the people have approved, no minority has right to defeat, and no legislative body in the city, state or nation has a right to reject. That is the fundamental principle upon which referendum laws were enacted. When the referendum became the law of every municipality in the country and every state in the union it was hoped that democracy and the people would be brought closer together, and that is exactly what happened. The referendum is a democratic method of consulting with the people in order to learn their wishes and wants. And how can we learn what they do want and what they wish unless we consult with them? That was the significance of this issue in the last election, when, by a referendum, we asked the people if they wished dog and horse racing and the pari-mutuel system to be permitted. Their answer was "Yes." They said yes in every ward in the city. They said yes in every precinct in Ward 18 wherein this Council has voted that dog racing be permitted. The time for a discussion of this issue has passed. It passed when the people voted in the last election. It was their privilege to vote on this question; our only privilege is a duty to make their vote a law. There is no rightful power in the legislative or executive branches of our city government to overturn or reverse a referendum vote of the people. The only power we possess is the power put into our hands by the voters. They have given us no power to forbid dog racing. But they have

vested in us a power to permit it. Any person who asks us to deny this permission asks us to deny something that is illegal and something that we cannot do. Any person who asks us to disrespect the will of the people also asks us to forfeit the respect which the people should have for public officials. This question is now undebatable. The time for the debate was during the last election campaign. All the arguments were heard now we heard them. Both sides were heard. No one then was denied the right to speak. Both sides were fully and forcefully discussed. There was an intelligent discussion of the entire matter; and after it the people took intelligent action. During the campaign it was disclosed that dog racing contributes about a million dollars a year to old age pensions. I like to believe that the vote on this measure was cast in a desire to aid the aged. I will never entertain the thought that the people voted in ignorance and without a knowledge of what they were doing. To do so would be to insult the electorate. The burdens of government today are many and heavy. There is extreme difficulty in raising taxes to meet these burdens. Again and again it has been explained to the people that all the net revenue from the pari-mutuel system goes for the relief and assistance of old men and women. Last year the state tax was \$17,000,000. In his inaugural message, Governor Saltonstall said that the tax this year would be close to \$30,000,000, an increase of \$13,000,000. Where is all this additional money to come from? At this moment no one knows, not even the Governor himself. There is opposition to some of the new taxes he has indicated and advocated. But there is no assurance that they will be accepted by the Legislature. The sum required for old age pensions this year will be larger than that of last year and the only source we now can see is that of dog racing. Both the Democratic and Republican parties are committed to old age assistance and the people as a whole committed themselves to that assistance when they voted in favor of this issue. It costs \$420,000,000 to conduct the affairs of our municipal and state governments, and we are collecting only three hundred sixty million a year. This means that our debt is increasing at the rate of \$60,000,000 a year. It isn't fair and honorable to increase this debt and to pass it on to future and unborn generations, if we can devise simple methods for additional revenue. We cannot much longer increase taxes on real estate without destroying homes and property rights. And we must not make the poor poorer and arouse their resentment by a sales tax on the bare necessities of life. I am sure these considerations were in the minds of the voters when they voted for dog racing as a means to ease the tax burden. In these bleak, tragic and depressing days of unemployment, when welfare and relief must continue if our social and political systems are not to be endangered, we must impose taxes where they are the least felt. And they are little felt and hardly noticed at dog tracks.

Coun. SHATTUCK—Will the gentleman yield? Mr. President, I should like to ask the gentleman whether he feels that the City Council should grant petitions without limit for dog tracks? Has the mandate of the people no limit?

Coun. KERRIGAN—Mr. President, I cannot answer that question. Nobody in this Council can answer it. The councilor himself cannot answer that question.

Coun. TAYLOR—I wonder if Councilor Kerrigan will yield for a moment until I answer that question of Councilor Shattuck?

Coun. KERRIGAN—I yield, Mr. President.

Coun. TAYLOR—I wish to say—

Coun. NORTON—I am sure the councilor from South Boston does not need an attorney.

Coun. TAYLOR—You had a pretty good one at the taxicab hearing.

Coun. KERRIGAN—I yield, Mr. President, because I did not think there was anybody here who could answer the question.

Coun. TAYLOR—In answer to that question I wish to state that we have a Racing Commission and that the Racing Commission determines how many race tracks we should have, and where they should be located, and after this thing is passed upon by the City Council it must go before the Racing Commission and they under the law must give a public hearing. It is mandatory upon them, and it is up to them to determine whether or not there shall be more than one dog track and it is not up to the City Council.

Coun. KERRIGAN—Mr. President, during the campaign it was stated that dog racing contributes about \$1,000,000 a year to the old age pension.

Coun. CHASE—Mr. President, there has been considerable talk today by various members of this body about mandates, and I refuse to be impressed with the argument that this mandate of the people as some of the councilors would have me believe is a command. Technically, a mandate is a command, but under the present circumstances the referendum was not a mandate of the people in this case. The people did not say that they shall have dog racing in Hyde Park. The people said dog racing shall be permitted in Suffolk County, and Revere, Mr. President, is part of Suffolk County. I contend, sir, that that is what the people of Suffolk County had in mind when they voted on the issue. They thought that the matter related to dog racing in Revere. I wonder how many members of this Honorable Body would vote favorably on an issue involving their ward, assuming this question was, whether or not a dog track should be located in every ward. Would they vote "Yes, let us have a dog track in my ward." Would they ignore the type of protest such as was registered before the Executive Committee last week. Why, Mr. President, there were Catholic and Protestant clergymen before us. One priest represented over 6,000 people in Hyde Park. Another priest represented over 2,500 people. We had two legally duly elected members of the House of Representatives here registering their protest. I ask you Mr. President, whom did these people represent? They were elected to represent the people. I ask you, Mr. President, who does the City Councilor from Hyde Park represent? He represents the people of Hyde Park and he has registered his protest that he does not want a dog track in Hyde Park, and he has made that protest because of the fact that the people of Hyde Park are opposed to a dog track. I ask you, Mr. President, is it fair to this Honorable Body to force upon the people of Hyde Park a dog track which they do not want. If this matter involved a dog track in my district, I obviously would vote against it, especially if I had the type of protest registered such as has been registered on the matter before us. I feel that I would feel that the members of this body should support me in it. I feel I am better acquainted with my district than the other members of the body are, and I feel that the Councilor from Hyde Park is better acquainted with the people, his constituency, than we are. We should support him in this vote against dog racing in Hyde Park.

Coun. WILSON—Mr. President, I want to state primarily for the record some of the facts that I am going to make reference to, because, very frankly, the vote I am about to cast on this particular measure has troubled me, and it has troubled me more than any other single vote that I have cast in my eleven years of experience in this body. And so I believe I owe it to myself, if to nobody else, to have the figures and the facts in this question made a matter of record. I say that advisedly, because inherently I personally am against the pari-mutuel system whether on horse racing or dog racing, and my personal beliefs are in accord with what I believe to be those of the active minority in the ward represented by the councilor from Ward 18. So I am in the position on this particular question of voting against my own personal convictions. I wish, perhaps, that the vote in Ward 18, in the City of Boston and in my own ward was closer. I think back not many years ago to the vote on Sunday baseball in my ward, which was a close vote. I can still remember a great deal of the abuse I personally took because I wanted to give that matter earnest consideration and not vote on it the day it came in; and the vote in my ward on that question was so close that in my opinion it left to me a right to consider my personal convictions. I am satisfied that the vote on this question was a substantial mandate of the people, and I disagree with those councilors who say that the vote on this particular referendum was anything but a mandate of the people, whether the people were voting for their own best interests or not. I think it should be a matter of record in these Council minutes that the vote of the entire city on this particular question was 170,920 to 71,922, that the vote in Hyde Park, Ward 18, was 9,692 to 4,434, and that this particular referendum carried everyone of the twenty-one precincts in

Hyde Park. What was the vote in the precinct in which the trotting park is located? Precinct 20, 469 to 139, or 4 to 1. What was the vote in the next adjacent precinct, Precinct 18, which follows the railroad track and up Hyde Park avenue? 511 to 130, or 5 to 1 and the next adjacent precinct, Precinct 17, across the Neponset river, 481 to 135. As an elected public official, I do not believe I have a right to disregard what I believe to be an expression of popular desire on any referendum subject. I am interested in the figures of Ward 18 and the three adjacent wards. Ward 17 voted 2 to 1 for dog racing, much to my surprise. Ward 14 voted 2 to 1 for dog racing, Ward 20 voted 9 to 5 for dog racing and the ward adjacent to those three, Ward 18, 9 to 4 for dog racing. I wonder, especially in the light of the votes in the precincts immediately adjacent to the trotting park, whether as a matter of fact the voters in that section of Ward 18 were not race-track conscious when they voted on this particular question on the referendum. As I said, I have been troubled by this question because in voting on it the way I shall vote on it, I am voting against what I personally believe is for the best interests of the people. They disagree with me. I took the trouble, with two other members of the Council, to take the trip out to look this track over. I had never been there in my life, and I found it to be what the councilor from Ward 18 described it to be a week ago, away out at the end of nowhere, bounded by the meadows of an adjacent town on one side, the Neponset river on the second side, a railroad track on the third side and a group of over one hundred houses on the fourth side, which in turn was cut off from the rest of the ward where the river turned and the track narrowed, leaving the entire section out on a sort of peninsula. Two other members of the Council and myself visited the location to check up. I was sufficiently interested to take the trip, and we asked some questions in the neighborhood. A man who lives out there, and owns one of these 117 houses told me every one of them is for sale; that his house cost \$12,000 and that he would grab \$7,000, if offered. The local real estate man out there told me he had twelve or thirteen of the houses listed in his windows for sale. We went down to Wolcott square, and, not counting the post office, we observed fifteen stores. Five were vacant, and they told us the sixth one would be vacant the following morning when the tenant moved away. I was troubled by a complaint somebody had out there referring to the possibility of noise, and so I asked some questions. On Prescott avenue, which is one of the streets which parallel the railroad track, a resident on that street said if they shot a gun to start a race over in the trotting park, we would never hear it, because of the noise that freight cars make when they couple cars in the Readville yard all night long. I was interested, of course, in the editorial—that I consider the splendid editorial—that appeared in this morning's Boston Post, and I desire to have it included in the record. I now return to the question I started with, Mr. President, whether or not I as an individual have the right to impose my personal preferences, which do not agree with the strong majority sentiment expressed, on a referendum of the people? The question is, whether any elected official has the right to disregard the clearly expressed sentiments of the people on a public referendum. It was stated at the hearing, and I believe it was stated here today, that it took some courage to vote against the dog track measure that is now before us. Well, we are all practical politicians. We know some of the rules of the game, and we know that the dangerous thing for any politician to do is to vote against an active organized minority, not the passive majority. The fellow who does not want to take any chances votes with the organized minority that will remember his vote against them. It takes courage to vote, I would say against any highly organized minority. I say that advisedly, because the minority that appeared before us at the hearings the other day in my opinion represented the very best in the Hyde Park section. Of course, we listen with respect to the words of any clergyman of any denomination and, of course, we were not surprised to learn that they, of course, were against it, just as I was against it when I voted against it in the secrecy of the voting booth. The councilor from the Back Bay asked a couple of questions. They were fairly good questions. I think I can answer

them. He asked one of those who spoke how many race tracks the people voted for when they voted yes on that referendum, and he asked where the people said they were to be located. Why, it is just as plain as the vote on the liquor referendum. If a voter desires to permit the sale in this city of any and all alcoholic beverages to be drunk on or off the premises, you voted on three liquor referendums—on the tavern question, the package question, and the full license for sale of liquor; and when the voters of Boston voted yes on those three liquor referendums they didn't tell the Licensing Board, on the tavern question, for instance, where to put the taverns nor how many taverns there would be. A majority of the people of Boston said that they would permit liquor to be sold in Boston and it rests with the Licensing Board of the city to say how many places there shall be and where they will be located. In the same way, as I see the picture here a majority of the people of Boston voted in favor of dog racing and they are leaving it not to us but to the Racing Commission to decide how many dog tracks there will be and where they will be located. I think that is the answer to those questions. Now on the matter that is before this Council—and I realize I am speaking at some length, but I feel very earnestly on this question,—I do not regret my vote of a week ago, when, without even a roll call, this body voted for the passage of this particular petition. The matter on which we are really voting is under section 33 of chapter 271 of the General Laws, which reads as follows:

"No land within a town shall be laid out or used as a race ground or trotting park without the previous consent of and location by the mayor and alderman or selectmen, who may regulate and alter the terms and conditions under which the same shall be laid out, used or continued in use and may discontinue the same when in their judgment the public good so requires."

I think we all realize that by voting yes on this particular petition we make it possible for the Racing Commission to hold a public hearing and decide whether there will be a dog track out there. The question really before the Council today and last week was whether we are in favor of the location of a certain area in the City of Boston which is now taxed at the rate of 3½ cents a foot and which for thirty years has been used as a race track—whether we will authorize that particular location as a race ground or trotting park. It makes it a little easier for me to vote as I intend to vote on this particular question, when I consider the provisions of the act which left it for the Racing Commission to decide where the tracks shall be located and what the regulations shall be, and they can only do that, under the mandatory provisions of the law, after holding a public hearing in the City of Boston. I will frankly admit that I would like to see a plebiscite of the people in the Readville section as to their personal ideas on the subject. I think it would be a little unusual to let them vote twice on the same question in a period of sixty or ninety days, but in all frankness I question in my mind whether if given a plebiscite today they would change their vote one bit from the vote of November 8. It may be before the Racing Commission considers this question there will be some sort of a plebiscite. I don't know. I do bear in mind further, however, that if we pass this petition and if the matter goes to the Racing Commission and if they hold a public hearing and permit a dog track in the Readville section, under the terms of section 33 of chapter 271, it still lies within the power of the City Council, in my opinion, to discontinue the same when in our judgment the public good so requires. If the public in the Readville district or in Ward 18, when this matter goes on the ballot, vote overwhelmingly "No," I would say that whether the Racing Commission likes it or not, the City Council of Boston could change their vote and wipe out a pari-mutuel dog track in the Readville area, which again makes it easier for me to vote as I intend to vote on this question. I appreciate very much, Mr. President and members of the Council, your patience with me so late in the day. I again repeat it is a question that hothers me. It is a question on which I would like to see the figures in the record. I believe we are hound by the vote of the people. I believe I should vote, when there is such an overwhelming majority on a referendum as this against my personal convictions, which are 100 per cent with the clergymen and the other people who appeared here at our public hearing.

#### EDITORIAL FROM BOSTON POST.

(The following editorial from the Boston Post of January 30, 1939, was placed in the record by Coun. Wilson.)

#### "The Vote of the People.

Dog racing, as the Post has often said, is merely a device for gambling. So are beano, pools and various other forms of chance. We know the community would be far better off if gambling of any nature could be wiped out.

But, unfortunately, this is a gambling age. For reasons best known to themselves, the majority of people, when given the opportunity, have voted in favor of gambling. They have specifically expressed at the polls their desire for dog racing.

They voted for dog racing in the face of a long continued campaign in which every argument which could be mustered to show the folly of it was given wide publicity.

Therefore, if we must have dog racing, the chief concern of the authorities is to see that it is conducted so that it will be least objectionable to those who are genuinely disturbed about it.

There isn't the slightest doubt that, of all the sites that could be selected in the city limits of Boston, the location at Readville is best fitted for the purpose.

Ward 18, of which the major part is comprised of the old limits of the town of Hyde Park, voted at the November election overwhelmingly for dog racing. The vote in Ward 18 was better than two to one in favor. Every precinct in the ward favored it. Only in one precinct was the vote even close.

Precinct 20, in which the site of the proposed dog track is located, voted more than three to one for the dogs. The adjoining Precinct 19, the Sunnyside section, nearest Readville, also voted better than three to one in favor. In the face of such a vote it is foolish to argue that Readville is against dog racing.

No doubt all those who have protested against a license for a dog track voted against dog racing. They were, no doubt, right, but they were in a very great minority.

Those who claim that a dog track would depreciate property values in Readville would be hard pressed to tell just how property values in that section could be any further depressed. That part of Ward 18 has been terribly hard hit.

One of the chief objections to dog racing is that unsavory characters have been connected with the alleged sport. The hackers of the Readville project are men whose reputation in the community is high.

The Readville site is really far less objectionable than the present Revere location.

It seems hypocritical for a city or a section of the city to vote overwhelmingly for dog racing and then have residents put forth the claim that the people are against it."

Coun. NORTON—Mr. President, just about three minutes. First, I want to thank Councilor Shattuck for his consideration of this bill and for his entire attitude through this controversy. It encourages me to find an original Bostonian, who has left a great position to come here and to render public service in this body, and who looks upon this matter in the same way that I and most of the other members do. It is one of the most encouraging things for democracy that I know of to see a man like our colleague from the Back Bay giving so much of his strength and energy to the public service. Since this matter first came up I have given considerable thought and attention particularly to this question of dog racing. I believe the first three states to go into dog racing were Arkansas, Florida and Massachusetts. The fact is, as anybody will find who examines into it, that dog racing in this country is a racket. It is not even straight gambling, but a phony racket. Anybody going into it deals with gangsters. The representative of the Capone interests, centered in Chicago, is in Boston, and the dog racing here, no matter what people may think about it, will be dominated at Readville or other places by the gangsters. Anything of this sort is not going to put things back in a flourishing condition, Mr. President.

Coun. WILSON—Mr. President, is the gentleman trying to tell the members of the Council that Mr. Hardwick, through his connection with dog racing in this state, is going to have any tie-up with gangsters?

Coun. NORTON—I understand that anything that has to do with dog racing has to come through certain channels with which the Capone interests are connected.

Coun. WILSON—Do I understand that the gentleman is up on dog track racing?

Coun. NORTON—Mr. President, I have never seen a dog race in my life.

Coun. WILSON—And does the gentleman understand that Mr. Hardwick and his associates, so far as they carry on dog racing, will be dominated by the Capone interests in Chicago, that there will be no other way for them to get dogs?

Coun. NORTON—That is my understanding, that anybody connected with dog racing will have to deal with Al Capone's racket in Chicago. And I might add that Chicago has thrown out dog racing, and when Chicago does that it is about time for Boston to throw it out, too.

Coun. TAYLOR—Mr. President, will the gentleman yield for a question?

Coun. NORTON—Yes.

Coun. TAYLOR—Does the gentleman know about anything of that sort happening at the Revere dog track?

Coun. NORTON—No, I know nothing derogatory about the Revere track; in fact, I know nothing at all about it. I was never there. But I do know about this dog track business being hitched up with the Chicago racketeers. And I might say, furthermore, that within fifty miles of Boston City Hall today there is 26 per cent of all the race track gambling in America. We are the greatest sucker district in the world. It is only a question of time when the gamblers will pull out so much money from our community that there will not be anything left to pay the butchers, the bakers and the grocers.

Coun. TAYLOR—You believe in the Gallup poll?

Coun. NORTON—Yes.

Coun. TAYLOR—Do you believe the poll when they say that horse and dog racing represent ten per cent of the gambling, and the church gambling 29 per cent?

Coun. NORTON—No. I have not heard that, and I would seriously doubt it. But there is something that we should consider in this matter beyond everything else. You and I will be out of politics tomorrow, and there will be only one comforting thing for us to look back upon when we have got through,—that we have done the right thing. In the light of the opposition to this dog racing in my district, I would not feel that I had done the right thing in allowing this to pass without strenuous objection. And so, Mr. President, that is my story in a nutshell. I shall certainly request our Chief Executive to veto this measure if it should pass. We have never had a finer type of Mayor in this city—a good, bonest, able man, of whom those of Irish blood among us may well be proud. He is a great American, and no man of higher and finer type ever sat in the Mayor's chair. I will say to him, "Maurice, give us a chance to be heard."

Coun. FITZGERALD—And I don't want you to forget another great American Mayor, Hugh O'Brien, born in Ireland, and one of the greatest chief executives that Boston ever had.

Coun. NORTON—Oh, I have not forgotten Hugh O'Brien, and he was a great Mayor, too, and we can all look back at another great Mayor of Irish blood, in 1902, Honorable Patrick A. Collins. Hugh O'Brien was back forty years. But I say that this young mayor of ours is one of the most splendid, bonest, able men in public life today, as I could also say of Honorable P. A. Collins in his day, remembering his services to the City of Boston and to the United States as Consul-General in London. But I have taken perhaps too much time, and I will simply add this, that if this race track is put through out in Readville, in five years it will not only be a deserted village but a decimated village, with perhaps not even freight cars moving about, and that in a district that has wonderful industrial advantages

that might well be availed of to the advantage of this city, in addition to the Sturtevant Company, the starch company, and other fine companies that we already have.

Coun. CAREY—Mr. President, I also realize that the hour is late, but I would like to take just a moment to answer the councilor from Ward 7 (Coun. Kerrigan). There was absolutely no command whatsoever given by either the people of Ward 18 or the people of the City of Boston as a whole that we put this dog track out in Readville. In voting for the taxis under the referendum, I followed the exact commands of my district and of the people of the City of Boston. Since that time there has been no demonstration of the people of my ward or of the City of Boston to the effect that they wanted to overturn the vote that they cast on November 8. There has, however, been a very definite demonstration of the people of Ward 18 against having this track out there. Now, I don't want to throw that protest out the window. Perhaps other sections of the city would willingly accept a dog track. But my vote today simply reflects the opposition of the people of Ward 18 to this dog track out in their community, and I feel, in all fairness, that I must vote "No" on this question.

Coun. LANGAN—Mr. Chairman, I feel, as Councilor Shattuck does, that this is not a mandate of the people in this specific instance, this track that we have under consideration. It is true, however, that the people of Suffolk County have voted for dog and horse racing, although there was not a specific vote that a dog track should be placed in Readville. I can sympathize a great deal with Councilor Norton's problem, as he represents Ward 18. There has been a strong protest in that ward, and as the duly elected councilor from the ward he must give some ear to it. At the same time, I am faced with this problem as many councilors here are. My ward voted for horse and dog racing in Suffolk County. That is the only criterion I have. There has been some opposition from Hyde Park, but I am not satisfied that it is sufficient to override the mandate of the people of my ward that horse and dog tracks shall exist in Suffolk County.

The question came on the passage of the order, and Councilor Shattuck asked for a roll call.

The order was passed, yeas 16, nays 5:

Yeas—Coun. Agnew, Englert, Fish, Fitzgerald, Galvin, Harris, Hutchinson, Irwin, Kelly, Kerrigan, Langan, Lyons, Murray, Rosenberg, Taylor, Wilson—16.

Nays—Coun. Carey, Chase, Norton, Shattuck, Sullivan—5.

#### PHOTOGRAPH OF TAXICAB OPERATOR.

Coun. CAREY offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to include in the regulations relative to the operation of taxicabs the provision that a photograph of the operator be conspicuously displayed in the cab.

Passed under suspension of the rule.

#### REVENUES RECEIVED FROM HACKNEY CARRIAGE LICENSES, ETC.

Coun. CAREY offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to inform the City Council of the amount of gross and net revenue received annually for the past five years from the issuance of hackney carriage licenses and also from the issuance of hackney badges.

Passed under suspension of the rule.

Adjourned, at 6.45 p. m., on motion of Coun. ROSENBERG, to meet on Monday, February 6, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Faneuil Hall, Monday, February 6, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY presiding. Absent, Coun. Norton.

## JURORS DRAWN.

Jurors were drawn under the law, Coun. TAYLOR presiding at the jury box in the absence of the Mayor, as follows:

Eighty-three traverse jurors, Superior Criminal Court, to appear March 6, 1939:

Frank A. Ellis, Ward 1; Francis J. Joseph, Ward 1; Anthony Kurgan, Ward 1; John Luongo, Ward 1; James F. Moran, Ward 1; Robert W. Swett, Ward 1; Thomas J. Kean, Ward 2; James P. Keane, Ward 2; William H. Sheeche, Ward 2; Milton H. Atwood, Ward 3; Maurice V. Laponta, Ward 3; Elmer H. Everett, Ward 4; Victor E. Fehrstrom, Ward 4; Victor K. Jamieson, Ward 4; Joseph Stone, Ward 4; Raymond P. Wallace, Ward 4; John F. Cahill, Ward 6; William J. Connors, Ward 6; William J. Dooley, Ward 6; Francis M. Hayes, Ward 6; Paul Likos, Ward 6; Robert W. Ripley, Ward 6; Leslie W. Young, Ward 6; Roy V. Coughlin, Ward 7; Charles A. O'Keefe, Ward 8; Joseph P. Sherlock, Ward 8; Leo W. Gray, Ward 9; Eugene Sullivan, Ward 9; Philip G. Fay, Ward 10; Henry M. Hoover, Ward 10; Joseph A. Mackenzie, Ward 10; Henry J. McCarey, Ward 10; William J. Walsh, Ward 10; John J. Kilroy, Ward 11; Hector J. Kimbell, Ward 11; Maurice Moller, Ward 11; Philip Tagerman, Ward 11; Joseph L. Barry, Ward 12; Robert R. Carrington, Ward 12; David L. D'Entremont, Ward 12; Leo A. Kiley, Ward 12; George E. Knowles, Ward 12; David M. Purinton, Ward 12; Charles J. Hagstrom, Ward 13; Thomas E. Kelly, Ward 13; Dennis F. McLaughlin, Ward 13; James H. McNamara, Ward 13; Francis W. Stedman, Ward 13; Stephen Brown, Ward 14; Solomon E. Cheimets, Ward 14; Maurice A. Collier, Ward 14; Louis S. Fine, Ward 14; Samuel S. Kaufman, Ward 14; Sidney H. Gage, Ward 15; William A. Gerstel, Ward 15; Leo O. Sorenson, Ward 15; Domenick Brackett, Ward 16; James J. Healy, Ward 16; James C. Regan, Ward 16; Alfred J. Duffy, Ward 17; Ernest W. Lawford, Ward 17; Paul D. Stewart, Ward 17; James H. Avery, Ward 18; Harold I. Bartlett, Ward 18; James M. Burke, Ward 18; John A. Carlson, Ward 18; Arthur C. Johnson, Ward 18; William W. Klingenberg, Ward 18; Francis J. Lang, Ward 18; Henry C. Quigley, Ward 18; John V. Coughlin, Ward 19; Elliot H. McCallum, Ward 19; Francis O. McDonnell, Ward 19; Joseph J. Moynihan, Ward 19; Max H. Gruhn, Ward 20; Charles Wittenauer, Ward 20; Edward V. Henderson, Ward 21; Bernard M. Keniston, Ward 21; Joseph Taymor, Ward 21; James V. Collins, Ward 22; Henry E. Cox, Ward 22; Anthony Rubino, Ward 22.

Eighty-eight traverse jurors, Superior Civil Court, to appear March 6, 1939:

Vincent Collura, Ward 1; Joseph P. Fleming, Ward 1; Joseph Fredestefano, Ward 1; Michael T. Gibbons, Ward 1; Charles H. Holland, Ward 1; John J. Buckley, Ward 2; Ambrose A. Mahoney, Ward 3; George E. Roberts, Ward 3; Maurice J. Vitkin, Ward 3; James T. Walsh, Ward 3; Harry M. Bellamy, Ward 4; Albert A. W. Holmgren, Ward 4; William B. Keefe, Ward 4; Arthur H. Pinkson, Ward 4; Alexander Welch, Ward 4; Paul A. Cassell, Ward 5; Clarence W. Chapman, Ward 5; Frank C. McGregor, Ward 5; James E. McNally, Ward 6; David H. Wilkinson, Ward 6; Ambrose J. Clifford, Ward 7; Daniel H. Crowley, Ward 7; Cornelius J. Curtin, Ward 7; Robert M. Fitzgerald, Ward 7; Leonard J. Heafey, Ward 7; Francis Kelley, Ward 7; William P. Kemmitt, Ward 7; Thomas G. Ryan, Ward 7; Walter L. Ryan, Ward 7; Elmer J. Stanton, Ward 7; John J. Carr, Ward 8; David Elder, Jr., Ward 8; Nelson L. Harriman, Ward 8; John J. Roche, Ward 8;

Carl H. Schneider, Ward 8; William H. Lawless, Ward 9; Edward Mahoney, Ward 9; William G. Martin, Ward 9; John B. Mitchell, Ward 9; Edwin S. Power, Ward 9; Gerard B. Gormley, Ward 10; Michael F. Laffey, Ward 10; David Feinberg, Ward 14; George Krivitsky, Ward 14; Robert E. Connerton, Ward 15; Jeremiah Coughlin, Ward 15; Chester R. MacLeod, Ward 15; Charles A. McCarthy, Ward 16; Leo J. Murphy, Ward 16; Harry Green, Ward 17; David Irvine, Ward 17; William A. Plummer, Ward 17; Ralph P. Smith, Ward 17; George H. Cummings, Ward 18; Edward L. Cunningham, Ward 18; Charles M. Carlton, Ward 18; Frederick E. Fallon, Ward 18; Alfred H. Gedies, Ward 18; Albert Langley, Ward 18; Leon G. Pannier, Ward 18; Edwin H. Strout, Ward 18; Forbes Allan, Ward 19; Elwin P. Archibald, Ward 19; Frank J. Madden, Ward 19; Stephen J. Malley, Ward 19; Fletcher Walter Thomas, Ward 19; John F. Curry, Ward 20; Frederick J. Hearn, Ward 20; Charles F. Hughes, Ward 20; Martin A. Lorenz, Ward 20; Thomas W. McDonald, Ward 20; William J. Needham, Ward 20; Frank R. Ott, Ward 20; Henry Schuhmacher, Ward 20; D. Richard Boyer, Ward 21; Frank C. Buckley, Ward 21; Leo H. Buckman, Ward 21; Maurice Dobro, Ward 21; Edward E. Morrison, Ward 21; William Scherer, Ward 21; Charles E. Smith, Ward 21; Edward A. Artesani, Ward 22; James E. Keyes, Ward 22; Thomas R. King, Ward 22; Clarence T. McGrail, Ward 22; John J. Nagle, Ward 22; Walter J. Stuart, Ward 22; John F. West, Ward 22.

## SPECIAL COMMITTEES FOR 1939.

President MURRAY appointed the following special committees the first named to act as chairman of the committee, viz.:

## Building Code.

Fitzgerald, Irwin, Galvin, Shattuck, Wilson, Taylor, Murray.

## Constables.

Rosenberg, Taylor, Agnew.

## Hospitals.

Kerrigan, Carey, Kelly, Rosenberg, Langan.

## License Fees.

Fish, Irwin, Chase, Hutchinson, Sullivan.

## Public Welfare.

Galvin, Wilson, Lyons, Hutchinson, Harris.

## Public Safety.

Carey, Taylor, Hutchinson, Wilson, Norton Lyons, Kerrigan.

## Tax Title Property.

Lyons, Irwin, Galvin, Chase, Sullivan.

## Unclaimed Baggage.

Kerrigan, Agnew, Wilson.

## CLEANING OF WARD 13 STREETS.

The following was received:

City of Boston,  
Office of the Mayor, February 6, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of January 30, 1939, concerning the arranging for the immediate cleaning of all streets in Ward 13 and to see to it that they are kept clean in the future.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
February 4, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I am in receipt of your memorandum of February 2 concerning the following order in Council, dated January 30, 1939:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange for the immediate cleaning of all streets in Ward 13 and to see to it that they are kept clean in the future."

Ward 13 is a part of District 13, Street Cleaning, and during the latter part of 1938 an average of twenty-five cleaning miles per week was the amount of work done in this section.

Since the beginning of 1939 the number of welfare men has been increasing, and as soon as the snow situation is cleaned up, the street cleaning mileage will be brought to a satisfactory figure.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### OPENING OF FIELD HOUSE, PARKMAN PLAYGROUND.

The following was received:

City of Boston,  
Office of the Mayor, February 6, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the secretary of the Park Department relative to your order of January 23, 1939, concerning the opening of the field house at the Parkman Playground on Wachusett street, Jamaica Plain, and for the attendance of a custodian.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, February 2, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—In the absence of Mr. Long I am replying to your memorandum with inclosure, City Council order of January 23, 1939, relative to immediately opening the field house at the Parkman Playground on Wachusett street, Jamaica Plain, and for the attendance of a custodian.

There are a few playgrounds, like the one mentioned above, where the activities slow up with the coming of the winter season, and therefore the chairman has deemed it advisable to close these small playgrounds. By doing this, a considerable saving is effected on fuel and light and the general wear and tear of the playground.

I have taken the matter up with Deputy Commissioner Charles A. Hogan, who informs me that the two playgrounds nearest Wachusett street are in excellent condition and well manned for all winter sports, with the proper protection for the safety of the children. I refer to the John W. Murphy Playground on Carolina avenue and Fallon Field at South and Roberts streets.

When Commissioner Long returns I shall call this matter to his attention at which time a complete report will be given to you.

Very truly yours,  
ARTHUR J. O'KEEFE, Secretary.

Placed on file.

#### ESCALATOR AT NORTHAMPTON STREET.

The following was received:

City of Boston,  
Office of the Mayor, February 6, 1939.

To the City Council.

Gentlemen,—I transmit herewith a letter from the president and general manager of the Boston Elevated Railway Company relative to your order of January 9, 1939, concerning the installation of an escalator at Northampton Street Elevated Station.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
Boston, February 1, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—The trustees have considered the request contained in order of the City Council, received with your letter of January 11, relative to installation of an escalator at Northampton Street Elevated Station.

Similar requests have been received for installation of escalators at other stations, which would involve a total expenditure of more than one and one-quarter million dollars which the trustees do not feel would be justified.

The number of people entering the Northampton Street Station during the maximum hour is only

1,290, and the cost of installation of an escalator at that station is estimated at \$57,800.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

#### ESCALATOR AT ASHMONT TERMINAL.

The following was received:

City of Boston,  
Office of the Mayor, February 6, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the president and general manager of the Boston Elevated Railway Company relative to your order of January 9, 1939, concerning the installation of an escalator at the Ashmont Terminal.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
Boston, February 1, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—The trustees have considered the request contained in order of the City Council, received with your letter of January 11, relative to installation of an escalator at the Ashmont Terminal.

Similar requests have been received for installation of escalators at other stations which would involve a total expenditure of more than one and one-quarter million dollars which the trustees do not feel would be justified.

The number of people entering the Ashmont Terminal during the maximum hour is only 2,054, and the cost of installation of an escalator at that station is estimated at \$46,000.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

#### REMOVAL OF TRACKS, DORCHESTER AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, February 6, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the president and general manager of the Boston Elevated Railway Company relative to your order of January 16, 1939, concerning the removing of the tracks on Dorchester avenue, from Peabody square to Gibson street, and replacing the present inadequate service with efficient bus service.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
Boston, February 2, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—Replying to your letter of January 20, with order of the City Council, requesting the removal of tracks on Dorchester avenue, from Peabody square to Gibson street, and replacement of existing service with bus service, the track in this section of Dorchester avenue is used for getting cars operated on other lines to and from the Fields Corner carhouse where they are maintained, and is necessary for that purpose.

Passengers are carried in cars on these pull-out and put-up trips, but the section of Dorchester avenue in question is now served by a bus line, and counts taken since the receipt of your letter show that adequate service is provided to meet the riding requirements.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

#### FEDERAL HOUSING PROJECT, EAST BOSTON.

The following was received:

City of Boston,  
Office of the Mayor, February 6, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Executive Director of the Boston Housing



Authority relative to your order of January 23, 1939, concerning the making of a survey of the East Boston District with a view to determining on a site for a Federal Housing Project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston, February 2, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—In reply to your letter of January 31, 1939, concerning the order passed January 23, 1939, by the City Council:

"Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to make a survey of the East Boston district with a view to determining on a site for a Federal Housing Project."

You are advised that the Authority has made several surveys in East Boston with a view to determination of a site for a low-rent housing project, and further studies of this problem are at present being made.

Respectfully,  
FRANCIS X. LANE,  
Executive Director for the Authority.

Placed on file.

**TRAFFIC LIGHTS, WESTLAND AVENUE AND HEMENWAY STREET.**

The following was received:

City of Boston,  
Office of the Mayor, February 6, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of January 23, 1939, concerning the installation of adequate traffic signal lights at the intersection of Westland avenue and Hemenway street, Ward 4.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, February 3, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated January 23, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install adequate traffic signal lights at the intersection of Westland avenue and Hemenway street, Ward 4."

We believe that an automatic traffic signal would function well if installed in the intersection of Hemenway street, Westland avenue and Westland entrance. However, there are no funds available to this commission at present for the installation of an automatic traffic signal in this location.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

**NO PARKING RESTRICTIONS, MOULTRIE, KENWOOD AND LYNDHURST STREETS.**

The following was received:

City of Boston,  
Office of the Mayor, February 6, 1939.

To the City Council.

Gentlemen,—I transmit herewith a letter from the Boston Traffic Commissioner relative to your order of January 23, 1939, concerning the establishing of no parking restrictions on both sides of Moultrie, Kenwood and Lyndhurst streets, Ward 17, within 200 feet of Washington street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, February 3, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order, dated January 23, 1939, which reads as follows:

"Ordered, That the Traffic Commission, through his Honor the Mayor, be requested and urged to establish no parking restrictions on both sides of

Moultrie, Kenwood and Lyndhurst streets, Ward 17, within 200 feet of Washington street."

I received a similar request in a letter dated January 9, 1939, from Sherburne N. Miller, 67 Kenwood street, Dorchester. I respectfully submit the following quotation from my letter to Mr. Miller which states our opinion regarding this request:

"An investigator from this department observed conditions in these streets on several days last week, particularly on Saturday afternoon, January 14. He reports that although cars are parked in these streets adjacent to Washington street as described by you, at no time did he see a condition which prevented free movement of traffic through the several streets.

Unless serious conditions prevail we are always reluctant to prohibit parking in the immediate vicinity of business centers where the demand for parking is so great and where the business firms depend to a great extent on the patronage of persons using their cars to do errands."

We do not consider the existing conditions in these streets serious enough to warrant the adoption of a traffic rule prohibiting all parking.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

**PETITIONS REFERRED.**

The following petitions were received and referred to committees named, viz.:

Claims.

William Brauneis, to be reimbursed for execution issued against him.

William Brauneis, to be reimbursed for execution issued against him.

Chamberlain's, for compensation for damage to car by city truck.

John D. Clark, for compensation for damage to car by snow plow.

Ralph DeMarco, for compensation for damage to car by city wagon.

James H. Greer, to be reimbursed for execution issued against him.

Mary W. Hastry, for compensation for damage to car by fire apparatus.

Arthur L. Johnson, for refund on second-hand furniture license.

Michael Marino, for compensation for injuries caused by ash barrel being thrown by city men.

Peter P. McGinley, to be reimbursed for judgment issued against him.

George W. McLaughlin, for compensation for damage to clothing caused by fence, Dorchester Lower Mills.

Charles M. McNeill, to be reimbursed for execution issued against him.

Charles M. McNeill, to be reimbursed for execution issued against him.

Lester R. Mudge, for compensation for injuries caused by an alleged defect at Portland and Causeway streets.

Arthur L. Pumphret, to be reimbursed for execution issued against him.

Arthur K. Tolman, for compensation for damage to car by fire apparatus.

William L. Toohar, to be reimbursed for judgment issued against him.

John J. Walsh, for compensation for injuries caused by an alleged defect in front of Lowell School.

Executive.

Petition of Greyhound Racing Corporation for approval to conduct greyhound racing at Boston Garden.

**RESIGNATION OF RALPH J. RICHARDS.**

Notice was received from the Mayor's office of resignation of Ralph J. Richards, constable assigned to the Building Department, effective at close of business January 17, 1939.

Placed on file.

**RESIGNATION OF JAMES J. McKIERNAN.**

Notice was received from the Mayor's office of resignation of James J. McKiernan, constable assigned to the Collecting Department, effective at close of business January 3, 1939.

Placed on file.

CONFIRMATION OF EXECUTIVE  
APPOINTMENTS.

President MURRAY called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor January 30, 1939, of James P. Keliher to be a Constable with authority to serve civil process upon filing bond.

2. Action on appointments submitted by the Mayor January 30, 1939, of Ralph C. Gillett to be a Weigher of Goods; and Arthur D. Jones to be a Weigher of Coal.

The question came on confirmation. Committee, Coun. Lyons and Irwin. The committee reported 7 votes for and 8 against, and confirmation was declared refused.

Coun. AGNEW—Mr. President, I move a reconsideration of that vote.

Reconsideration prevailed and the question came on confirmation of appointments in Nos. 1 and 2 on the calendar.

Coun. AGNEW—Mr. President, let me speak on No. 1 on the calendar. Mr. Keliher is a brother of the late sheriff. He is no longer there, and is now on his own. —

President MURRAY—The Chair would like to say that there appears to be no good reason why any of the appointments should have been rejected, and the Chair will ask the clerk to call the roll on Nos. 1 and 2.

The clerk called the roll on the question of confirmation of Nos. 1 and 2, and the appointments were confirmed, yeas 18, nays 0.

SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of February.

Report accepted; said order passed.

COMMENDATION OF BOSTON CON-  
GRESSMEN FOR ACTION ON DIES  
COMMITTEE.

Coun CHASE and WILSON offered the following:

Whereas, The Boston Congressmen were unanimously recorded in favor of the continuation of the Dies committee to further investigate the un-American activities in the United States by the Communists and Nazis; therefore be it

Resolved, That the Boston City Council, in meeting assembled, hereby commends the Congressmen from Boston for the true patriotism expressed by their unanimous vote to continue the Dies committee; and be it further

Resolved, That a copy of this resolution be sent to each Boston Congressman.

Coun. CHASE—Mr. President, the recent vote of Congress of 344 to 35 in favor of a continuation of the Dies committee was indeed the true sentiment of the American people. The Congressmen from Boston voted unanimously in favor of the continuation of the Dies committee. It is only fitting and proper that we the duly elected officials of the City of Boston should pay tribute to these Congressmen for their honest expression of true Americanism as indicated by their vote. The people of America are slowly awakening to the threats upon their liberties and it is only through investigations by committees such as the Dies committee that they may see the true picture of the ungodly practices of Communism and Nazism.

The resolution was referred to the Committee on Rules.

SALARY OF SECOND ASSISTANT  
MESSENGER.

Coun. IRWIN offered the following:

Ordered, Section five of chapter three of the Revised Ordinances of 1925, as most recently amended by chapter 3 of the Ordinances of 1937, is hereby further amended by striking out the words twenty-two hundred and fifty dollars in the salary of the second assistant city messenger and inserting in place thereof the words twenty-seven hundred and fifty dollars.

Referred to Executive Committee.

REPORT OF COMMITTEE ON  
ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted reports on petitions for driveway openings, viz.:

Petition of Charles Giampapa (referred January 23) at Havre and Porter streets—that permit be granted.

Petition of Elizabeth Minot (referred December 12, 1938) at Dorchester avenue and Bailey street—that permit be granted.

Petition of Lynn Institution for Savings (referred January 23) at 616 Newbury street—that permit be granted.

Reports accepted; said permits granted on usual conditions.

RESURFACING CERTAIN WARD 10  
STREETS.

Coun. CAREY offered the following:  
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 10 under the W. P. A. plan of construction:

Cherokee street, Minden street and Mansur street.

Passed under suspension of the rule.

HOSPITAL CLINIC, OLD HARBOR VILLAGE.

Coun. KERRIGAN and MURRAY offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to make provisions for the establishing of a hospital clinic in the Old Harbor Village.

Passed under suspension of the rule.

REINSTATEMENT OF FRANK L. COTTER.

Coun. KERRIGAN offered the following:  
Resolved, That the City Council of Boston hereby favors the enactment of legislation authorizing the reinstatement of Frank L. Cotter as a member of the Boston Police Department, provided such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

RETIREMENT AFTER TWENTY-FIVE  
YEARS' SERVICE.

President MURRAY offered the following:  
Resolved, That the City Council of Boston hereby approves the enactment of legislation relative to the retirement of employees after twenty-five years of service, provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

ISSUANCE OF SNOW BUTTONS.

Coun. KELLY offered the following:  
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to issue snow buttons to members of the City Council for distribution to citizens of their respective districts who may desire employment on snow removal work.

Coun. KELLY—Mr. President, I will state briefly my reasons for introducing this order at this time. I was one of the five councilors who voted in favor of snow buttons a month ago. I have the greatest respect for the foremen in the various city yards, but I don't think they are in a position to know the needs of people in the various wards as well as the councilors representing them. I, as a City Councilor from Ward 15, feel that I know where the snow buttons should be placed. I know the men of my district to whom the snow buttons should be given, those who will bring home to their families the money they earn and those also who would spend the money for drink. I think every member of the Council should assume the duty of receiving the fifty buttons and distributing them to men in their wards.

Coun. WILSON—Mr. President, speaking for Ward 17, I can heartily endorse the sentiments of the councilor from Ward 15 who has offered this order. For years, under this system of distributing buttons to the councilors representing the different wards, we have got along well in the proper distribution of the buttons. I know that has been so in the case of the snow workers in the Dorchester district. In this last storm I personally went over to the office of the Public Works Commissioner and had a talk with him. I learned one thing that surprised me very much, and that was that one of our heads of departments takes orders passed by the Council very seriously, apparently in the nature of a demand that must be obeyed, because the Public Works Commissioner told me that the order of the Council had been received some time back, stating that snow buttons should be given out to the foremen and that they looked upon that as an order that should be followed. I asked him for how long a time orders coming from the City Council had been taken so seriously. It was certainly a novel and unusual idea to me, although, of course, I realized that he had his fingers crossed when he said it. As I went out, he informed me that unless and until the Mayor amended the order the buttons would be given out through the foremen in the Hancock Street, Columbia Road and Albany Street Yards. The Gibson Street Yard is now closed and the new headquarters is hidden so that the average man looking for snow work could not find a place to go and get the button without a road map. Well, I waited until eleven o'clock and no order came to put on snow workers in the Dorchester district. I again urge, in support of Councilor Kelly's order, that those councilors who wish to distribute buttons to the citizens of their respective districts who may desire employment on snow removal work be given the opportunity to do so. I certainly believe that at least some consideration should be given to such councilors in the distribution of the buttons. It is not a question of patronage as far as I am concerned, believe it or not, but of interest to see that the little fellow of 5 feet 2 has an equal chance with the fellow who is 6 feet 5. I certainly hope and trust that the members of the Council will be given some consideration in this matter of allotment of snow removal buttons.

Coun. ROSENBERG—Mr. President, I feel that perhaps the people of my ward are in an unfortunate position when it comes to getting quickly on the ground in order that they may have a chance to be employed on snow removal work. The two yards to which they would naturally apply are on Hancock street and Gibson street. It takes them some time to get to the places where the buttons are distributed, and they are quite apt to find many others ahead of them. In fact, there is nothing to prevent men coming from other wards of the city to say that they live in Ward 14, and therefore become accredited to that quota when they do not belong there at all. I feel in this matter, as I have felt right along, that the councilors know the men living in their districts, know their needs, know those who have families and who need work, and those who will bring home to their families the money that they receive. I feel, therefore, that the councilors should have the opportunity of giving work to those needy families in their districts, to men whom they know will use the money that they receive properly. I feel that in that way the buttons will be distributed in a better manner, that they will go to people living in the various wards and not coming from other sections of the city, and I certainly, as one councilor, am willing to take the responsibility of seeing that a fair distribution is made to the needy families of my district when snow work is to be given out.

The order was referred to the Executive Committee.

**PAYMENT OF MEN ON SNOW REMOVAL WORK.**

Coun. KELLY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange for the payment of men engaged on snow removal work in the yard from which they are assigned, instead of forcing them to go the Albany Street Yard to receive their wages.

Referred to Executive Committee.

**ADMITTANCE TO RUTLAND SANATORIUM.**

Coun. ROSENBERG offered the following:  
Ordered, That the Health Department be requested, through his Honor the Mayor, to change the present ruling requiring a bond of \$1,650 for the admittance of a tubercular patient to the Rutland Sanatorium.

Coun. ROSENBERG—Mr. President, I don't know whether this bond is required under an ordinance or a ruling of the Health Department, but I know that recently two or three cases have been brought to my attention where tuberculosis patients who would naturally go to the Rutland Sanatorium have been informed that they or some member of their family would have to furnish a bond of \$1,650. Many of those afflicted with tuberculosis, who should go to that sanatorium, are unable to raise the money from their families or to furnish the required bond. I know of one case where the person concerned went out to get a bond from a surety company, and was asked to put up collateral of \$1,650. It stands to reason that, if they had the money, there was no need of filing a bond for that amount. I believe the idea is to give a guaranty to the city for five years in the Rutland Sanatorium. Of course, something should be done in the way of furnishing a guaranty for a period of years, perhaps making the amount \$300, so that it would be possible for a poor person to receive care at the Rutland Sanatorium and be able to get care without going out and securing a bond of \$1,650.

The order was referred to the Committee on Hospitals.

**BRANCH LIBRARY, WARD 13.**

Coun. HUTCHINSON offered the following:  
Ordered, That the trustees of the Boston Public Library be requested, through his Honor the Mayor, to provide for the establishment of a branch library in the Savin Hill section of Ward 13.

Passed under suspension of the rule.

**INFORMATION AS TO POLICE DEPARTMENT.**

Coun. WILSON offered the following:  
Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to advise the City Council with reference to each and every police division in the City of Boston:

- a. The total number of patrolmen assigned to the division.
- b. The total number of officers.
- c. The number of motor cycles.
- d. The number of men, included above, assigned to motor cycle duty.
- e. The number of prowl cars.
- f. The number of men assigned to work on prowl cars.
- g. The number of men, if any, assigned to street duty on foot, other than traffic duty.
- h. The number of men assigned to traffic duty.

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to advise the City Council:

- a. The total number of patrolmen now in the department.
- b. The total number of officers in the department.
- c. The total number of officers and men on traffic duty.
- d. The total number of officers and men on traffic duty in the district between Massachusetts avenue easterly to the North Station.
- e. The total number of officers and men on street duty, other than traffic, between the hours of 8 p. m. and 1 a. m.

Coun. WILSON—Mr. President, I am somewhat troubled by the reports of the crime wave that in the past two or three months has been sweeping over the City of Boston, including the Dorchester district, and I realize that shortly the annual budget will be coming in to the City Council and that one of the departments to which serious consideration must be given is the Police Department. I don't want to be too critical of the department because the commissioner may claim that one reason for the crime wave is that the department is undermanned. But I would like to just refer to some recent clippings from the

newspapers to show what is going on in this city. I have here, for instance, a clipping from a newspaper of January 30, telling how a Dorchester fruit store proprietor was kidnapped in his car, robbed of \$20, and then forced to drive his car to the Codman square section, where two got out of the car to buy liquor. This fruit store proprietor left alone with the third man holted from the machine and escaped, although pursued for a short distance. A short time later two of the robbers entered a fruit store at 1976 Dorchester avenue and held up the proprietor, taking \$20 from the cash drawer. We also read in the morning paper of January 30 this record:

"Hoodlums and handbag snatchers figure in cases of assault and robbery reported to the Boston police over the week-end, frightening women by their activities and heating several men."

One Jamaica Plain young woman was crossing the Arthorway near Washington street, Forest Hills, at one o'clock in the morning, when two youths jumped from an automobile and snatched her handbag, containing \$12. Also, two youths knocked down another young woman at 32 Worcester square and stole her handbag, containing \$24. A quartette of youths stole a bag of groceries and one dollar from a woman in Roxbury as she was entering her home, and a handbag was stolen from another woman in Roxbury, on Westminster street. There was another holdup of a young man in the West End, who received a fractured nose and lacerations when he was attacked at Merrimac square; while another East Boston young man was slashed on the left cheek when attacked by three men on Border street, in that section. A West End man sustained a fractured jaw when attacked by a man on Causeway street, and a boy living on Commonwealth avenue was attacked by two men near the entrance to the Massachusetts General Hospital and injured about the left eye and nose. A man living on Bulfinch street, West End, was attacked by a man near his home, and at the City Hospital was found to have a lacerated scalp, fractured cheek bone and other injuries. A West Roxbury man was slashed by a man while crossing Blackstone Park in the South End; while a South Boston young man received face injuries when attacked by two men at Dudley and Washington streets, Roxbury. A man jumped from a doorway on West Brookline street and grabbed the handbag of a West End woman, containing a small amount of money, and a Lynn man was attacked by a robber in Howard street, West End, and had \$20 stolen from him. That is simply a record of one evening's pleasure of hoodlums and holdup men in the Boston area. In the same issue of the paper it appears that seven youths were held without hail on suspicion of armed robbery in nearly fifty holdups in Roxbury, Mattapan and Dorchester during the past few months. As recently as February 5 the manager and clerk of a Roslindale grocery store were held up by an armed handit, forced at gun-point to drive him a short distance, and were then robbed of \$300 in receipts. As the manager of the store, which was at 4253 Washington street, was closing the door, his brother entered their automobile. The handit was crouched in the tonneau and commanded them to drive him towards Dedham. The elder brother attempted to protest and was struck on the jaw with a pistol butt, and just beyond West Roxbury Parkway they were relieved of their money and forced out. A Newton young man, son of a director of the Boston Dispensary, drove into Boston with several friends to attend a theater and left his friends in front of a Washington street theater and went in search of a parking space, going, as you and I have done, from one block to another, and finally drawing the car up to the curb at Essex and South streets. He was about to alight when four men, two carrying pistols, suddenly emerged from the shadows of a building and confronted him. He was kidnapped, pushed back behind the wheel of the car, and after one of the handits had taken \$2 from one of his pockets, was directed to drive along Harrison avenue, and finally was placed in the back of the car and one of the four men took over the wheel, carrying him such a distance that it took him some time to get back to the theater and find his friends. He was simply high-jacked, and the car and money taken. We also heard over the radio not long ago about how some of these holdup men took a Boston police car. I used to read, in some of the Wild West stories, years ago, about men who had horses shot out from under them; but

one of the stunts of bandits in these days seems to be taking police and prowl cars out from under the nose of our Police Department. I suppose we will be told that the trouble is that they do not have a sufficient number of men in our Police Department. When the budget for the year is before us, I suppose the Mayor and the Police Commissioner may give us some information to that effect. I do have a feeling that one of the controlling factors is that too many men in the department today are assigned to traffic work. We have spent, as I remember, a quarter of a million dollars on traffic lights on Tremont and Washington streets and in the Back Bay, based on the argument that by doing so we would largely eliminate, if not entirely do away with, patrolmen at various traffic points in the city. But we still have traffic men on the streets, at the points where the traffic lights have been installed, as we all know, from walking or riding down Washington street, Tremont street, or in the Back Bay district in the morning. There are as many patrolmen as there were before we spent the quarter of a million for lights to relieve the traffic congestion. In the old days we had the picture of a Boston police officer with one of these old helmets and a night stick in his hand. We now visualize him with one of these new fancy hats stuck full of papers and notebooks and with a pencil in his hand, jotting down automobile numbers. I suppose soon they will be teaching them penmanship instead of marksmanship, watching places where people park their cars—and where I believe they have a right to be—because they are assigned to traffic work, where they are not needed, instead of keeping an eye out for the criminal element in the community. I drove into the city through Beacon street from Governor square the other day, and going from Governor square through Beacon street, up the hill and down on this side of Beacon street there were nine patrolmen handling traffic, doing a sort of Sir Walter Raleigh act for the ladies and people of the Back Bay, to help them across the street. We don't need traffic officers at every intersection of Beacon street. True, there is sometimes a congestion of traffic at the junction of Charles street and in front of the State House, at Beacon and Park. But there are traffic lights all along the line, clear to the State House and beyond. Yet, as I say, coming down from Governor square through Beacon street and over Beacon Hill I saw nine traffic men on duty between nine and ten in the morning. But you cannot find traffic officers on Blue Hill avenue and Morton street, where the traffic is just as heavy and the danger as great, nor at Blue Hill avenue and Seaver street, Eggleston square, nor at the corner of Massachusetts avenue and Columbus avenue, which, I claim, are among the chief danger spots in the City of Boston, so far as traffic is concerned. There are too many traffic officers on duty in the Back Bay section of Boston and at other points, and I, for one, would like to see them out on the streets more at night protecting our citizens from criminals, when it has got to such a point that people cannot go to moving pictures in the evening because of holdup men without carrying a gun. That is why I am offering this order, Mr. President, and I have a companion order to go with it.

Coun. ROSENBERG—Mr. President, this is certainly a matter upon which action is needed at the present time, as stated by my colleague from Dorchester, and I believe it is a matter that the Police Commissioner himself has definitely in mind. I understand that the Police Commissioner feels that there should be an increase in the force, and I certainly, for one, trust that if there are more police officers put on the force not only the downtown section but the outlying districts will have their forces increased. Unless some attention is paid to the outlying sections of Boston, and not entirely to the downtown district, we are going to have further trouble. I recently communicated with the Police Commissioner in regard to the situation in the Dorchester district, calling attention to the number of breaks in private residences and also to the fact that persons are accosted and bags snatched, and under date of January 31, I received this answer from the commissioner:

"City of Boston,  
Police Department, January 31, 1939.  
Sidney Rosenberg, Esquire,  
Boston City Council.

My dear Councilor,—I have your letter of January 26 relative to your attention having been

called to the number of breaks in private residences and also of persons being accosted and bags snatched, in the Dorchester district, and note with interest your comments.

I am hopeful, as a result of a survey being made of the personnel of the force, of being able to assign additional officers within a very short time to the Dorchester district.

The department is undermanned to the number of 216 patrolmen at the present time and, at this particular season of the year, due to absence of officers caused by sickness, it is quite difficult to provide adequate coverage of police officers for all sections of the city.

The commissioner says, further:

"I have made provision in the police budget this year for the appointment of one hundred men which will replenish some of the existing vacancies. I intend to discuss this subject with his Honor the Mayor in my conference with him on the police budget which, I am advised, will take place within a few days.

Thanking you for your interest in writing me, I am,

Yours very truly,  
JOSEPH F. TIMILTY,  
Police Commissioner."

I trust, as a result of the order presented by Councilor Wilson, that we may be able to get additional protection in the outlying districts for citizens of Boston.

Coun. LYONS—Mr. President, last night the Police Commissioner gave out an order—and this may furnish a little information to the gentleman from Ward 17 (Coun. Wilson)—to the effect that several of the cruising cars are to be taken off in the outlying sections and that more men are to be assigned to pounding the pavements. This police situation is not as easy to handle as some people think. The facts remain, however, that the commissioner has made this one of the best of the large cities of the country in the matter of policing, and that the work he has done has been of great credit to him. Speaking of target practice, the men have to go to the shooting galleries once or twice a week, and I think the marksmanship of our police force is second to that of none in the country. As far as traffic officers at crosswalks are concerned, I think in many cases they do a wonderful work. I know that we have lights, but at certain points we also have to have officers there because everybody does not stop to look at the lights. If some protection is not given, perhaps a driver may hit your mother or my mother at a bad intersection, and we should do what we can to prevent that sort of thing. I do think, however, that a lot of credit is due to Commissioner Timilty for his work, although I feel also that the information asked for by the councilor should be supplied. I think it is very important for us to have that information.

Coun. LANGAN—Mr. President, I agree with Councilor Lyons that the Police Commissioner is doing a wonderful work. At the same time, I believe the order offered by Councilor Wilson will bring before this Council information that may lead us to proper action in the way of protecting the lives and property of the public. I feel that Councilor Wilson's order will bring before us statistics and information that will be very helpful to us.

Coun. SHATTUCK—Mr. President, of course the easiest thing for anyone charged with a public duty as an executive official is to say, "The service would be perfect if I had more men." We gave the commissioner more men a year or so ago, and the service seems to be about the same as it was before the additional men were given. We had that same question up on the courts, when I was in the Legislature. It was claimed that more judges were needed, when the real trouble was with the system. They needed to improve the system more than they needed additional judges. But the easiest thing to say was, "More judges," as in the case of the Police Commissioner the easiest thing to say is, "More policemen." I think a very good point was brought out by the councilor from Dorchester in speaking upon his order,—whether we could not more efficiently use the men we now have? I agree with him so far as traffic officers at many intersections are concerned, that we no longer, now that we have traffic lights, need, if we ever did need, more men on traffic service at certain times of the day. I observe in the morning when I go down Franklin and Devonshire streets that, although Devonshire

street is a one-way street, we have traffic officers there. As a matter of fact, you have to look only one way, and I don't see any point in having a traffic man there. On Beacon street, in my own district, it does not seem to me necessary to have a man at Joy and Beacon streets. It is true, of course, so far as that being considered a Back Bay matter is concerned, that many of the people traveling at that corner are not people who live in the ward. They are traveling to and from Washington street and the North Station and simply happen to cross Beacon street while they are going from one point to another. So far as Beacon street traffic is concerned, it is controlled by the lights at Charles and Park streets, and people can easily watch for a time when there is no traffic, or virtually none, to make their crossings, without the aid of policemen. I think I understand conditions there because I go along and over that street many times. But I do think there are certainly two places where we might save the time of policemen for at least a part of the day. I should say that at Devonshire and Franklin streets it was not necessary to have a man at any time, and I am sure that there are many other such places throughout the city.

Coun. TAYLOR—Mr. President, I don't think the Police Commissioner can be criticized for the conditions in Boston today, because the conditions here are not like those in any other large city of the United States. It is my honest belief that the crime wave that has been referred to is not because of lack of police in Boston or because of the assignment of officers to traffic. There has been an increase of crime here, as in many other places, but that does not prove that it is because of lack of police protection. In my opinion, crime today is caused by economic conditions, and if we had twice as many policemen as we do we would still have crime. While no doubt the department needs more men, I don't think the Police Commissioner should be unjustly criticized for something over which he has no control, and over which none of the policemen have any control.

Coun. SULLIVAN—Mr. President, I believe that Police Commissioner Timilty has raised the efficiency of the Boston police force to a very high mark. I believe he is doing a splendid job, certainly in the district I represent, Brighton, where Captain McGrath is also doing a splendid job. However, I am in accord with Councilor Wilson in his desire to obtain the information he seeks in his order. That, no doubt, will be of use to us later on. I think there is no doubt that the police force of this city should be increased in number. So far as the officers in my district are concerned, however, I know that they are doing an excellent job. We have one of the lowest crime records in the city. There is no question in my mind, however, that we should have an increase in the police force at the present time.

Coun. CHASE—Mr. President, I don't think we should criticize the Police Commissioner. I think what we should do is to urge the Mayor of Boston to appropriate sufficient money to install more traffic lights. I know of several locations in my district where that should be done. At the corner of Stuart street and Huntington avenue, one of the most heavily traveled spots in Boston, there are no traffic lights, although a police officer is stationed there all day. That is not Commissioner Timilty's fault, but is because conditions are such as to demand it. If we had a traffic light there, the police officer could be stationed somewhere else, where he would be more needed. There are other intersections in my district where police officers are stationed because there are no traffic lights. That is not Commissioner Timilty's fault. We should have more money to install traffic lights. There are perhaps 100 dangerous intersections in Boston where there are no traffic lights and where policemen are stationed. I think the Mayor of Boston should investigate the matter and do everything possible to install traffic lights where they are needed, and then Commissioner Timilty could take off the traffic officers and put them on patrol duty. I believe that is really the essence of the trouble, the lack of traffic lights.

Coun. WILSON—Mr. President, I don't want my position misunderstood. These orders merely ask for information, and I believe the answers to them will be helpful to the Council and the Mayor. I have no criticism to make of Commissioner Timilty. Much of this trouble existed before he became Police Commissioner. I still believe, however, that one of the reasons for the crime wave is that there are too many men put on

traffic duty in the daytime. Of course, when they are put on such duty in the daytime they cannot be expected to be put on patrol duty at night. I have in mind an incident in which I was involved four days before Christmas. It was up on Washington street, off Stuart. Another fellow driving an automobile forced me to the curb. I raced him down Washington, looking to find a police officer. We raced the two cars down Washington street, going from Stuart street downtown. It was eleven o'clock at night, and we were tearing along in a way that would certainly attract the attention of a police officer, if there were one around, before the cars would get very far. But I regret to say, I raced from Stuart down to Water street, without seeing a police officer; he turned down Water to Post Office square, where I lost him. In all that distance I did not see a uniformed officer, and that was four days before Christmas. My criticism is not so much of Commissioner Timilty, because, as I have said, the condition existed before he was Police Commissioner; but I say that there are too many officers doing traffic duty during the daytime, who naturally cannot be expected to be put on patrol duty on the streets at night, when they might prevent some of these things that are happening, and the prowl cars do not seem to fill the bill in that respect.

Coun. CAREY—Mr. President, I think we all agree that Police Commissioner Timilty is doing an excellent job. At the same time I think we should pass this order, which simply tends to give us information which will help clarify the situation so that we can perhaps act upon it more intelligently later. There are in my own district holdup men, bag snatchers, and so on, something that we did not hear so much about in past years. I also have in my district a great number of schools, and I have personally asked the local captain of Station 10 several times to assign officers in the morning, noon and afternoon to protect children going to and from school. I think that is a good work. I know that Captain Casey is doing a fine job out there, although he is handicapped by lack of men. We haven't enough police officers, and should have more in the City of Boston. That is a defect that should be remedied.

Coun. Wilson's orders were passed under suspension of the rule.

#### ADDITIONAL POLICE OFFICERS.

Coun. KERRIGAN offered the following:

Ordered, That the Boston Police Commissioner be requested, through his Honor the Mayor, to assign one hundred additional police officers to the present force.

Coun. IRWIN—Mr. President, I rise to a point of information. I would like to know if under the statute the Police Commissioner is allowed to assign additional patrolmen to the department, whether he can act without the assistance of the Mayor and the Council?

President MURRAY—The Chair will state that it requires concurrent action of the Mayor and the Police Commissioner.

Coun. IRWIN—And I understand that it requires no orders from the Council?

President MURRAY—This is simply a request. The order was passed under suspension of the rule.

#### AUTOMATIC TRAFFIC SIGNALS, WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Traffic Commission be requested, through his Honor the Mayor, to install automatic traffic signals on Cummins Highway, at Brown avenue, Ward 19, in the Sacred Heart Church district of the ward.

Passed under suspension of the rule.

#### GLASS INCLOSURE AT GREEN STREET STATION.

Coun. LANGAN offered the following:

Ordered, That the trustees of the Boston Elevated Railway be requested, through his

Honor the Mayor, to install a glass inclosure at Green Street Station for the health, comfort and convenience of those awaiting the bus which travels up Green street to the monument in Jamaica Plain.

Passed under suspension of the rule.

#### REMOVAL OF SNOW FROM SIDEWALKS.

Coun. LANGAN offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to comply with the statute requirements in seeing to it that snow is removed from all sidewalks within forty-eight hours after each storm.

Coun. LANGAN—Mr. President, although the requirement that snow shall be removed from sidewalks within forty-eight hours after a storm has been long established, I think we will all agree that it has not been properly enforced, probably through no dereliction of the Police Commissioner, but because the owners of adjoining property fail in their duty in this respect and because the police force at the present time is inadequate to properly notify such owners that they have not performed their duty. During the past two weeks I have observed many pedestrians in my section falling and stumbling over sidewalks that have been neglected. I feel, therefore, that if abutting owners do not recognize their civic duty, the Police Commissioner, with his officers, may well be required to see that the law is enforced.

The order was passed under suspension of the rule.

#### SHELTER ON CENTRE STREET.

Coun. LANGAN and LYONS offered the following:

Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to erect a shelter on Centre street, Jamaica Plain, opposite the Faulkner Hospital, Ward 19.

Passed under suspension of the rule.

#### BUS SERVICE, GREEN STREET STATION—WEST ROXBURY LINE.

Coun. LYONS offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to make a survey of the bus service on the Green Street Station—West Roxbury line with a view to improving the service, especially during rush hours, so that patrons will not have to stand in cold and inclement weather from twenty minutes to a half hour waiting for busses.

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to consider the advisability of extending the present Green Street Station—West Roxbury bus line to Forest Hills over the following route:

From the monument at South and Centre streets over South street, Asticou road, into Forest Hills Station.

Coun. LYONS—Mr. President, I have offered these two orders, one requesting the trustees of the Boston Elevated to make a survey of the bus service on the Green Street Station—West Roxbury line, and the other asking the trustees to consider the advisability of extending the present bus service on that line to Forest Hills, because the people of my section feel that it is very important that such action be taken. I don't think it is proper to ask patrons of that line to stand in cold, inclement weather from twenty minutes to a half hour waiting for a bus. Of course, the Elevated Trustees talk about how they are losing money, and we get accounts of their deficits every year. I still think, however, that if they gave better and quicker service more people would use the buses and the street cars. That is the reason why I have introduced the first order, asking that a survey be made with a view to remedying the present situation. As to the second order, for the trustees to consider the advisability of extending the present Green Street Station—West Roxbury

bus line to Forest Hills from the monument at South and Centre streets, over South street, Asticou road, and into Forest Hills Station, such an extension would mean a great deal to the people of my section. It would help obviate the present difficulty at Green street, where there are 100 steps to climb to the Green street structure, which is very hard on elderly or disabled people. I do not see why something of the kind should not be done. Of course, if we asked for an escalator at Green street the trustees would immediately say that, due to deficits, they have no money for an escalator at Green street. At Forest Hills they have one. It would really save money if there was this extension between Forest Hills and Green street, and it would help handle the crowd that gathers there night and day. I believe the trustees should increase the service and should give people the accommodation they are paying for.

The order was passed under suspension of the rule.

#### W. P. A. PROJECT FOR BRANCH LIBRARY, WARD 20.

Coun. LYONS offered the following:

Ordered, That the trustees of the Boston Public Library be requested, through his Honor the Mayor, to submit as a W. P. A. project the remodeling of the abandoned school at Washington and Stimson streets, West Roxbury, for use as a branch library.

Coun. LYONS—Mr. President, I put that order in last year, in regard to establishing a branch library in West Roxbury, in the Germantown section, and received the answer back that, due to lack of funds, the trustees would not be able to establish such a branch library. There is a school there that is standing idle, just like the West Roxbury hospital buildings, and I have therefore suggested in this order that the Library Trustees be requested, through the Mayor, to submit as a W. P. A. project the remodeling of the abandoned school at Washington and Stimson streets, West Roxbury, for use as a branch library. The only cost then would be for the books. Through a W. P. A. project a nice little library could be arranged for, where the children and the older people of the section might go. The West Roxbury branch library is two miles or more away, and the Roslindale branch is also far away from that section. People in Germantown would not care to have their children go to either of these other libraries through slush and mire to get books. I trust, therefore, that his Honor the Mayor will see the trustees of the library and that they will use their best efforts to put a branch library out there, as a W. P. A. project, thus furnishing something worth while for the citizens of that neighborhood.

The order was passed under suspension of the rule.

#### REPLACEMENT OF GAS LAMPS, GROVE STREET, WARD 20.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to replace the present obsolete gas lamps on Grove street, Ward 20, from Washington street to the Dedham line, with modern electric lights.

Passed under suspension of the rules.

#### COMPENSATION FOR POLICE OFFICERS.

Coun. LYONS offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to make some arrangement for the compensation of police officers, either through extra pay or time off, who are obliged to appear in court to assist in the prosecution of cases after their tour of duty has been completed or on their day off.

Coun. LYONS—Mr. President, I think the police officers who have completed their tour of duty at night and who are expected to go to court

the day after to assist in the prosecution of cases should be given time off or reimbursement in money as compensation. It is certainly unjust to expect an officer who walks the streets at night to have to go down to court at nine o'clock the next morning, without being compensated for it. I think, therefore, that if the Police Commissioner would speak to his Honor the Mayor in regard to the propriety of reimbursement for officers under such conditions, either in the way of pay or time off, the officers would be in condition to do a better job, although they are doing a very good job now, and they would be in better shape and in a better frame of mind to capture thieves and robbers.

The order was passed under suspension of the rule.

#### SMOOTH PAVEMENT FOR PARK STREET.

Coun. FITZGERALD offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to replace the cobblestones on Park street with smooth pavement.

Passed under suspension of the rule.

#### NUMBER OF TRAFFIC OFFICERS AT DANGEROUS INTERSECTIONS.

Coun. CHASE offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to advise the City Council how many traffic officers are stationed at dangerous intersections where there are no traffic lights.

Coun. CHASE—Mr. President, I know of five dangerous intersections in my district which should be covered with traffic lights and where, instead of having traffic lights, they have police officers. I contend that the failure to have traffic lights in such places on the ground of economy represents a false economy. A police officer, Mr. President, is paid approximately \$2,000 a year, and instead of placing the officer at a dangerous intersection it would be much cheaper to install traffic light at such an intersection. I contend, sir, that we have in the City of Boston over 100 dangerous intersections covered by Boston policemen and that these dangerous intersections could be better covered by traffic lights and the danger at such places thus removed. I hope his Honor the Mayor will see fit this year to provide these dangerous intersections with the necessary traffic lights.

The order was passed under suspension of the rule.

#### REMOVAL OF ICE AND SNOW FROM WARD 14 CROSSWALKS.

Coun. ROSENBERG offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to instruct the various district foremen to remove ice and snow from all the crosswalks in the Ward 14 section of Boston.

Coun. ROSENBERG—Mr. President, I realize that the department may perhaps be undermanned in the matter of clearing snow and ice from the streets, but I think there is particular need of clearing snow and ice from the crosswalks. There is much danger to the public on the crosswalks of the different highways of our city, because of ice and snow. That is not only true of Ward 14, but of other sections of the city. I trust, therefore, that a special effort will be made to clear the crosswalks not only in Ward 14 but throughout the city.

The order was passed under suspension of the rule.

#### RECESS.

The Council voted at 3.43 p. m., on motion of Coun. LANGAN, to take a recess subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 4.41 p. m.

## EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on order (referred today) that Commissioner of Public Works arrange for payment of men engaged on snow removal work in yard from which they are assigned—that same ought to pass.

Report accepted; said order passed.

2. Report on order (referred today) raising salary of second assistant city messenger from \$2,250 to \$2,750 per year—recommending reference to the Rules Committee.

Report accepted; order referred to the Committee on Rules.

## SEARCH FOR MISSING CHILDREN.

Coun. HARRIS offered the following:

Ordered, That the Police and Fire Commissioners be requested, through his Honor the Mayor, to cooperate and place every available man in their department at work in searching every cellar in the vicinity of the homes of Elizabeth Roche, aged five years, and Lawrence Bowles, aged seven years, who have been missing since Friday, February 3, and that, if necessary, the ice be blasted from the Muddy River in order to facilitate the search for these children.

Passed under suspension of the rule.

Adjourned at 4.55 p. m., on motion of Coun. ROSENBERG, to meet on Monday, February 13 1939, at 2 p. m.



## CITY OF BOSTON.

### Proceedings of City Council.

Monday, February 13, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair and a quorum present.

#### RESOLUTIONS IN HONOR OF THE LATE POPE.

Coun. CAREY, ROSENBERG and IRWIN offered the following:

Resolved, That the City Council of the City of Boston stand for one minute in respectful silence and tribute because of the death of Pope Pius the Eleventh; the late spiritual

leader of four hundred million people; a true apostle of God; a defender of the rights and liberties of mankind; a friend of the poor and oppressed of every nation; a mighty force against the false doctrines and philosophies of today; a valiant and courageous Vicar of God in the eternal battle between the spiritual and material domination of the soul; a kindly, loving man of simple tastes, inspired by the hand of God himself to do good in a troubled world; a great influence for justice and right; a true and holy man of God whose memory will be revered and respected until the end of time as the Pope of Peace, in a world where there is no peace.

The resolution was adopted by a unanimous rising vote, and in accordance thereunto the members stood in silence for one minute.

Coun. IRWIN and CAREY offered the following:

Ordered, That as a further mark of respect to the memory of His Holiness Pope Pius XI, the City Council do now adjourn until Tuesday, February 14, at two o'clock p. m.

The order was passed.

Adjourned, at 2.13 p. m., to Tuesday, February 14, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Tuesday, February 14, 1939.

Adjourned regular meeting of the City Council held in Faneuil Hall at 2 p. m. President MURRAY presiding. Absent, Coun. Irwin and Norton.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weigher of Goods: John E. O'Brien, 94 Bayswater street, East Boston; Daniel J. Kelly, 44 Everett street, East Boston.

Severally laid over a week under the law.

## COMPLIANCE WITH BUILDING LAW BY HOUSING PROJECTS.

The following was received:

City of Boston  
Office of the Mayor, February 9, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Housing Authority Executive Director relative to your order of January 30, 1939, concerning the request to comply with the Building Law of the City of Boston, incident to the construction of proposed housing projects.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Housing Authority,  
February 7, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I am directed by the Authority to reply to your communication of February 2, 1939, concerning the order passed January 30, 1939, by the City Council:

"That the Boston Housing Authority, through his Honor the Mayor, be requested to comply with the Building Law of the City of Boston, incident to the construction of proposed Housing Projects."

The Authority respectfully calls your attention to section 26BB of chapter 434 of the Acts of 1938 of the Great and General Court of the Commonwealth.

That section says, "Except as provided in section twenty-six Q with respect to projects acquired or leased from the Federal government, every project of a housing authority shall be subject to all statutes, and all ordinances, by-laws and regulations of the city or town in which it lies, relating to town planning, zoning, the construction and repair of buildings, and the protection of public health."

The Authority must be governed by this statute.

Respectfully,  
FRANCIS X. LANE,  
Executive Director.  
For the Authority.

Placed on file.

## DISPLAY OF TAXI OPERATORS' PHOTOGRAPHS.

The following was received:

City of Boston,  
Office of the Mayor, February 9, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of January 30, 1939, concerning the including in the regulations relative to the operation of taxicabs the provision that a photograph of the operator be conspicuously displayed in the cab.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Police Department, February 6, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum dated February 2, 1939, with inclosure of Council order relative to making provision in the rules and regulations of taxicabs that a photograph of the operator be displayed conspicuously in the cab.

This matter will be given prompt attention and when the report reaches me I shall again communicate with you.

Very truly yours,

JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

## REVENUE FROM HACKNEY CARRIAGE LICENSES AND BADGES.

The following was received:

City of Boston,  
Office of the Mayor, February 9, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of January 30, 1939, concerning the amount of gross and net revenue received annually for the past five years from the issuance of hackney carriage licenses and also from the issuance of hackney badges.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Police Department, February 6, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum dated February 2, 1939, together with City Council order that the Police Commissioner be requested, through his Honor the Mayor, to furnish to the City Council the amount of gross and net revenue received annually for the past five years, from the issuance of hackney carriage licenses and also from the issuance of hackney badges.

This matter will receive immediate attention and when the information is prepared it will be forwarded to your office at once.

Yours respectfully,

JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

## ASSESSMENT OF WARD 20 HOMES.

The following was received:

City of Boston,  
Office of the Mayor, February 9, 1939.

To the City Council.

Gentlemen,—I transmit herewith a letter from the Board of Assessors relative to your order of December 5, 1939, concerning the annual assessments on properties in January, 1939, to assess the homes in Ward 20 at a fair valuation and not to assess them so exorbitantly as in the past, especially those homes which have been built within the last eight or ten years.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Board of Assessors, December 15, 1938.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Sir,—Replying to the order of the City Council of December 5, "relative to making the annual assessments on properties in January, 1939, to assess the homes in Ward 20 at a fair valuation and not to assess them so exorbitantly as in the past, especially those homes which have been built within the last eight or ten years," I would say that the assessors are obliged, under their oath of office, to assess all property at its fair cash value.

When the assessments are made in January, 1939, the assessors of Ward 20 will be instructed to give their careful attention to all properties in the ward with the view of making all assessments fair and just.

Very truly yours,

EDWARD T. KELLY, Chairman.

Placed on file.

REVOCATION OF PERMIT, COUNTY COAL COMPANY.

The following was received:

City of Boston,  
Office of the Mayor, February 13, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith vote of the Board of Street Commissioners relative to your order of October 31, 1938, concerning the fuel oil tank located on the premises of the County Coal Company at 55 Hall street, Jamaica Plain, Mass. This vote revokes the permit originally granted December 28, 1937, and has been approved by me February 10, 1939.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Street Laying-Out Department,  
February 8, 1939.

Voted, That the license granted by the Board of Street Commissioners on December 28, 1937, approved by the Mayor December 28, 1937, to the County Coal Company, for the keeping, storage and sale of 5,000 gallons of fuel oil at 55 Hall street, Ward 11, be, and the same hereby is, revoked, for the following reasons:

That it has been represented to the Board of Street Commissioners that the rules and regulations of the Department of Public Safety have not been complied with;

That demand was made upon said County Coal Company to lay open for inspection, to the Board of Street Commissioners or the Fire Commissioner, the tank already installed;

That said County Coal Company refused to permit the inspection.

JOHN A. DONOGHUE,  
THOMAS A. FITZGERALD,  
WILLIAM F. HIGGINS,  
Street Commissioners.

Approved February 10, 1939,  
MAURICE J. TOBIN,  
Mayor of Boston, Mass.

A true copy.  
Attest:

ELIZABETH A. CLAYTON,  
Acting Secretary.

Placed on file.

TRAFFIC SIGNALS, WARD 1.

The following was received:

City of Boston,  
Office of the Mayor, February 6, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of January 30, 1939, concerning the installation of traffic lights at the junction of Bennington and Byron streets, Ward 1, and also at the junction of Bennington street and Neptune road, Ward 1.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, February 6, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated January 30, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner, through his Honor the Mayor, be requested to install traffic lights at the junction of Bennington and Byron streets, Ward 1, and also at the junction of Bennington street and Neptune road, Ward 1."

There are no funds available to this commission for the installation of automatic traffic signals at these locations.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.  
Placed on file.

TRAFFIC SIGNALS, CUMMINS HIGHWAY AND HYDE PARK AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, February 6, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of January 30, 1939, concerning the installation of

traffic signals at the corner of Cummins Highway and Hyde Park avenue, Ward 19.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, February 6, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have the honor to acknowledge receipt of Council order dated January 30, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install traffic signals at the corner of Cummins Highway and Hyde Park avenue, Ward 19."

I regret to state that there are no funds available for the installation of automatic traffic signals at this location.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.  
Placed on file.

BRANCH LIBRARY, SAVIN HILL.

The following was received:  
City of Boston,  
Office of the Mayor, February 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Director of the Boston Public Library relative to your order of February 6, 1939, concerning the provision for the establishment of a branch library in the Savin Hill section of Ward 13.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Library Department, February 10, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I wish to acknowledge your transmittal, under date of February 9, of the order of the City Council of February 6, 1939, requesting provision for the establishment of a branch library in the Savin Hill section of Ward 13. This will be brought to the attention of the trustees at their next meeting, and further word will be sent to you thereafter as to the action taken by the trustees.

Yours very sincerely,  
MILTON E. LORD, Director.  
Placed on file.

USE OF ABANDONED SCHOOL AS BRANCH LIBRARY, WEST ROXBURY.

The following was received:  
City of Boston,  
Office of the Mayor, February 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Director of the Boston Public Library relative to your order of February 6, 1939, concerning the submitting as a W. P. A. project the remodeling of the abandoned school at Washington and Stimson streets, West Roxbury, for use as a branch library.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
The Public Library, February 10, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I wish to acknowledge your transmittal, under date of February 9, of the order of the City Council of February 6, 1939, requesting the Trustees of the Public Library to submit as a W. P. A. project the remodeling of the abandoned school at Washington and Stimson streets, West Roxbury, for use as a branch library. This will be brought to the attention of the trustees at their next meeting, and further word will be sent to you thereafter as to the action taken by the trustees.

Yours very sincerely,  
MILTON E. LORD, Director.  
Placed on file.

SERVICE ON ELEVATED LINES.

The following was received:  
City of Boston,  
Office of the Mayor, February 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston

Elevated Railway Company relative to your orders of January 23, 1939, concerning the service on the Park Street Suhway-Arborway Station, Allston-Dudley Street and Dudley Street-Arborway, Jamaica Plain lines.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
February 11, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your letters of January 31 with orders of the City Council requesting additional service on the Park Street Suhway-Arborway Station, Allston-Dudley Street and Dudley Street-Arborway, Jamaica Plain lines, I would say that counts taken at the heaviest load points on these lines show that the service now operated is adequate to meet the riding requirements.

At the present time service on the Park Street-Arborway Station line is seriously affected by the construction work on Huntington avenue, incident to installing a 48-inch water pipe between the Brookline line and Brigham circle and by subway construction between the Opera House and Exeter street, and schedules on other surface lines have been to some extent interrupted due to traffic conditions since the snowstorm. When that has occurred, however, additional trips have been operated.

Careful observation will be made of the riding on the lines referred to and the service will be properly adjusted to meet the riding requirements.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

**DISAPPROVAL OF SIDEWALK, McBRIDE STREET, WARD 11.**

The following was received:

City of Boston,  
Office of the Mayor, February 13, 1939.  
To the City Council.

Gentlemen,—I return herewith, without my signature, sidewalk construction lien order for sidewalk along McBride street, both sides, in Ward 11, and attach hereto a copy of a letter received from the Commissioner of Public Works.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
February 9, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith sidewalk construction lien order that the Commissioner of Public Works make an artificial stone sidewalk, with granite edgestones, along McBride street, both sides, Ward 11.

A recent canvass of McBride street shows that out of thirty-four abutters, fifteen request the sidewalks; eight reply no, and the other eleven are questionable.

The fifteen who are willing to pay their share of the assessment are in scattered locations and it would be poor policy to put sidewalks in front of these individual houses. Due to the fact that there are nineteen abutters who do not signify their willingness to pay the assessment I believe that this lien order should be disapproved at this time.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**VETO OF VARIOUS ORDERS.**

The following was received:

City of Boston,  
Office of the Mayor, February 13, 1939.  
To the City Council.

Gentlemen,—In order that the records may be completed, you are respectfully informed that I have not approved the several resolutions adopted by your Honorable Body in favor of special legislation in the following instances:

1. To provide for the reinstatement of particular individuals formerly employed in the Police Department.

2. To provide three quarter or full pay pensions for certain former members of the Police Department.

3. To provide for the payment of sums of money by the city on account of deaths or injuries under such circumstances that there is no legal liability on the city.

My affirmative approval is required on these resolutions and I am returning them to the City Clerk not approved.

The reinstatement of former police officers has been dealt with by the Legislature in the form of an act permitting the reinstatement of any discharged employee upon the request of the employing officer after a hearing by the Civil Service Commission.

If an injustice can be shown in the case of any particular police officer, I have no doubt that the present Police Commissioner can be trusted to remedy it under the general statute and I see no reason why the city or the Legislature should be called upon to interfere in the administration of his department in this regard.

In the matter of increasing to full pay the pensions of certain former members of the Police Department, I am satisfied that the present retirement system provides generously for accidental disability cases, and the granting of a full pay pension in 1937 in the particularly aggravated case of Daniel J. McDonald should not be taken as a precedent for a program of increases.

In the case of injuries or deaths under such circumstances that there is no legal liability on the city, I do not believe it is proper or advisable to commit the city to a payment in such cases.

There seems to be a growing tendency to attempt to fall back on the city for payment of damages for most everything that happens, not excluding hurricanes and snowstorms, on the specious plea that there is a moral obligation.

I am unable to bring myself to agree with this theory.

In all three of these classes of resolutions which I have refused to approve, it is no doubt possible to obtain from the Legislature a suspension of the rule if the circumstances of any particular case are sufficiently outstanding to warrant such action.

Respectfully,  
MAURICE J. TOBIN, Mayor.  
Placed on file.

**VETO OF PENSION PLAN FOR FIRE DEPARTMENT.**

The following was received:

City of Boston,  
Office of the Mayor, February 13, 1939.  
To the City Council.

Gentlemen,—I return herewith without my signature and disapproved the resolution of your Honorable Body in favor of legislation to authorize the pensioning of members of the Fire Department after twenty-five years of service, irrespective of age.

This proposal is inconsistent with the present provisions relating to firemen and is unfair to the members of the department who are in the contributory system.

Respectfully,  
MAURICE J. TOBIN, Mayor.  
Placed on file.

**VETO OF AMENDMENT OF RETIREMENT SYSTEM.**

The following was received:

City of Boston,  
Office of the Mayor, February 13, 1939.  
To the City Council.

Gentlemen,—I return herewith without my signature and disapproved the resolution of your Honorable Body favoring legislation relative to the retirement of employees after twenty-five years of service.

The bill upon which this resolution was based provides for the retirement of employees at age sixty-five with twenty-five years of service at half pay, with other scales for less service graded from one third up. It is in effect an almost complete abandonment of the contributory retirement principle, which is now in effect for public employees, not only in Boston but in the whole state.

The resolution does not necessarily require a formal veto as it could be rendered ineffective by withholding my approval, but I think it proper to make my position clear on matters relating to the retirement system and to call the attention of the city employees to some very significant facts in connection with it.

For municipal employees there are eleven retirement systems established under special acts and a general standard system established in 1936 which may be adopted by any city or town.

The Boston system was the first established and is much more advantageous to the employees than any of the other systems whether state, city or county. When it was established in 1923 it was approved by the Mayor, the City Council, the Finance Commission, the Boston Chamber of Commerce, the Real Estate Exchange and the taxpayers generally. But this approval was given on the basis of definitely foreseen and calculable expenditures. Thanks to the unremitting vigilance and wise administration of the Retirement Board the expense to the taxpayers has not exceeded the expectations and none of the original benefits provided for the employees have been taken away.

In this connection, to quote from a recent report rendered to the Committee of the Legislature on Pensions by the Joint Committee of the Boston Chamber of Commerce, and the Boston Real Estate Exchange:

"This, however, has been done in the face of repeated efforts for the past thirteen years to increase the benefits or relax the restrictions in a retirement system which, as we have stated, is the most generous in the state. The sponsors of these efforts apparently have no appreciation of the disastrous effect on the finances of the city of the various propositions advanced.

"It would take but little more added to the tremendous burden now resting on the taxpayers to place in jeopardy the whole system of pensions. We believe that those who are continually seeking these ill-advised changes should awake to a realization of the dangers of their efforts."

I am in complete agreement with the foregoing quotation, especially owing to the fact that since my occupation of the office of Mayor I have become familiar with the operation and administration of the system.

Of course this system, or any system, cannot approach perfection and I and the Retirement Board are open-minded as to suggestions that will tend to perfect it.

But it is about time that the responsible majority of employees who have intelligence enough to realize it appreciate that they are extremely fortunate, not only in having an exceptionally generous retirement system, but also in having it administered in such a manner as to merit the approbation of those civic bodies who are concerned with protecting so far as possible the interests of the citizens as a whole.

Perhaps this realization will result in the suppression of those employees responsible for proposals that call for financial contributions on the part of the city, which if put into law would jeopardize the financial security of Boston and the resultant security of its public employees.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

#### VETO OF READVILLE DOG TRACK.

The following was received:

City of Boston,  
Office of the Mayor, February 8, 1939.  
To the City Council.

Gentlemen,—I return herewith disapproved, and without my signature, the order adopted by your Honorable Body on January 30, 1939, for the location of a dog track in the Readville section of our city.

I take this action for the specific reason that a plebiscite vote taken in the three election precincts closest to the proposed track was in the negative.

There is much doubt as to the belief held by many persons that the recent state referendum vote on horse and dog racing was a definite expression of the will of the people approving additional racing tracks within our city limits. With the moral and other issues involved in the establishment of this track in Readville, I was of the opinion that those to be most vitally affected by such a track should be given an opportunity of indicating their views on this most perplexing problem.

If the course of the municipal government or the financial condition of the city were involved in this question the responsibility for decision would be upon your Body and me, and it is perfectly evident that under ordinary conditions and circumstances a plebiscite vote of the character of the one taken on Tuesday, February 7, is neither necessary nor desirable, and I do not intend to make a practice of conducting such tests. However, in view of all the circumstances surrounding the establishment of a proposed track in Readville, and in view of the moral aspects of the matter, it was my best judgment that a fair solution of the problem before me depended upon the sentiments of those living in the immediate neighborhood to the proposed track.

In representative, democratic government we can have no quarrel when the voice of the people is heard on a specific proposal which has grave and far-reaching potentialities. Consequently, I feel it my duty to veto the order as presented me by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

#### CONVEYANCE TO CITY OF PORTION OF ELEVATED STRUCTURE.

The following was received:

City of Boston,  
Office of the Mayor, February 14, 1939.  
To the Honorable the City Council.

Gentlemen,—The Division of Metropolitan Planning has filed in the General Court a petition, accompanied by legislation, to provide for the conveyance to the City of Boston and the removal or alteration by the city of part of the elevated structure located on Commercial street, Atlantic avenue, Beach street, Harrison avenue and other public or private lands, generally known as the Atlantic avenue structure. The bill as drawn provides for the conveyance of the structure to the city under a contract of purchase to be executed by the Transit Department, and the amount of the compensation is left blank to be determined by negotiation. To this extent the bill is almost identical with a bill already filed by me.

The proposed legislation further authorizes the department to construct an elevated highway from a point on Albany street over land of the Boston & Albany Railroad Company and the Boston Terminal Company to Atlantic avenue, thence by Atlantic avenue to Clinton street, Cross street, to and across Haymarket square to Merrimac street, to Lowell street, and finally down to grade by means of a ramp on Lowell street. A section is also included for the laying out and widening of Dover street and also of Berkeley street from Beacon street to a connection with Embankment road extended.

The purpose of this proposed improvement is to relieve traffic congestion in downtown Boston, and by making the business district more accessible, thereby improve the real estate values upon which the city largely depends for its revenue. It is proposed that the cost should be financed in the first instance by the issuance of bonds of the City of Boston outside the debt limit, but that interest and sinking fund requirements of all loans issued under the act should be met from the Highway Fund.

Without expressing at this time formal approval of the plan in its entirety or in detail, I deem it advisable to open up the subject for the fullest possible discussion before the Legislature, and inasmuch as the rules of the Legislature require the approval of your Honorable Body to the petition as a condition precedent to its admission for consideration by the General Court, I am transmitting suggested form of an order, giving such approval, and recommend its prompt adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN Mayor.

Resolved, That the petition of James D. Henderson, Chairman of the Division of Metropolitan Planning, now pending before the Committee on Rules of the House of Representatives of the General Court, for legislation "providing for the conveyance to the City of Boston and the removal or alteration by the city of part of the elevated structure, and authorizing the construction of certain highway improvements, including

an elevated highway in the City of Boston" be, and it hereby is, approved.

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

American Mattress Manufacturing Company, for compensation for damage to property at 1051 Washington street, caused by defective sewer.

Abraham A. Backman, for compensation for damage to car by city truck.

Harold J. Bentley, to be reimbursed for execution issued against him.

Bessie Brookman, for compensation for injuries caused by city truck.

George W. Colcord, for compensation for damage to property at 165 West Canton street, caused by city truck.

John M. Flynn, for compensation for damage to property at 1977 Centre street, caused by fire truck.

Beatrice C. Gill, for compensation for damage to property at 58 Rockview street, Jamaica Plain, caused by falling trees.

Isabel C. Gillespie, for compensation for damage to car by snow plow.

Lillian M. Haynes, for compensation for damage to property at 1977 Centre street, caused by fire truck.

Lillian G. Homsey, for compensation for damage to car by city truck.

Harry J. Levin, for compensation for injuries caused by an alleged defect at 4 Harvard avenue.

Meyer Levine, for compensation for damage to car by city car.

Frank S. Martin, for compensation for damage to truck by city truck.

Mary E. McIntosh, for compensation for injuries caused by an alleged defect at 114 Canal street.

J. B. Monahan, for compensation for damage to car by city truck.

Alice H. Philbrick, for compensation for damage to property at 15 Brinsley street, Dorchester, caused by falling tree.

McKinnon & McKenzie Company, for compensation for damage to truck caused by city truck.

George Spear, for compensation for damage to car by city car.

Executive.

Petitions for children under fifteen years of age to appear at places of public amusement:

Harold B. Simpson, Y. W. C. A. Hall, February 14.

Boris Bovikoff, Peabody Hall, March 3.

Committee on Ordinances.

Petition of Joseph W. Greenberg for driveway opening at 455 Washington street, Ward 22.

POWERS OF COUNCIL RE PARKING SPACES.

The following was received:

City of Boston,  
Law Department, February 8, 1939.

To the Honorable the City Council.

Gentlemen,—I have before me Council order passed under date of January 30, 1939, and also an earlier order of your Honorable Body of the same general tenor. The order of January 30, 1939, reads as follows:

"Ordered, That the Corporation Counsel, through his Honor the Mayor, be requested to promptly forward for City Council consideration requested form of city ordinance relating to outdoor parking spaces."

Under chapter 19 of the Revised Ordinances of 1925 the Corporation Counsel "shall furnish opinions on the law of any subject or question that may be submitted to him by the mayor or city council."

Your request that the Corporation Counsel draft an ordinance I must necessarily construe as involving also the necessity of advising your Honorable Body with reference to the law applicable thereto, which in turn involves the question of the power of the City Council to enact any given ordinance.

Applying this principle to your request, I find myself after careful consideration under the duty of advising you that in my opinion your Honorable Body is without power to enact such an ordinance as you have requested me to draft. It is a fundamental principle of the law of municipal corporations that a municipality has only such powers as are given to it by the Legislature. In the absence of legislation to the contrary, under the authority delegated by the Legislature to cities and towns, for directing and managing their prudential affairs, preserving peace and good order and maintaining their internal police, commonly called the police power, the City Council unquestionably had the power to pass an ordinance regulating the conduct of open-air parking spaces so far as constitutionally consistent with the exercise of that police power. However, since the enactment of chapter 399 of the Acts of 1930, which became effective on December first of that year, the Legislature has dealt with the subject of open-air parking spaces and in my opinion has dealt with it in a manner to preclude the City Council from participation in the regulation of such parking spaces. Furthermore, this legislation was accepted by vote of your Honorable Body on December 29, 1930, and approved by the Mayor on December 30 of the same year. The legislation I refer to is contained in section 56 of chapter 148 of the General Laws, which reads as follows:

"In any city or town which accepts the provisions of this section no person shall engage in the business of conducting or maintaining an open-air parking space without a license therefor granted by the licensing authority, approved in all cases by the head of the fire department. The license shall specify all the premises to be occupied by the licensee for the purpose of conducting the licensed business. The fee for each such license shall be such amount as may be established by the authority granting the license, and said authority may reasonably classify said licenses and fees. Licenses granted hereunder shall expire on April thirtieth following the date of issue, or on such date as may be specified therein, and may be suspended or revoked by such authority and by the head of the fire department. Whoever, not being licensed, engages in a business required by this section to be licensed, or is concerned therein or, being licensed, engages in such business, or is concerned therein, in any other place than that designated in his license or after notice to him that his license has been suspended or revoked, shall be punished by a fine of not more than one hundred dollars."

An earlier section of said chapter specifically defines the licensing authority in Boston as the Board of Street Commissioners.

It will be noted that this section, therefore, gives the Board of Street Commissioners the power to grant the licenses, to establish the fee, to "classify" licenses and fees, and to suspend or revoke the license (approval or joint action by the head of the Fire Department being required in connection with the granting, suspension or revocation). These powers are so broad as in my opinion to require the conclusion that the Legislature intended to delegate to the Board of Street Commissioners in Boston the entire control and regulation of the conduct or maintenance of open-air parking spaces in the city. This conclusion is reinforced by the common sense argument that to divide the control and supervision between different and independent bodies would not be conducive to the best results. In addition the power "to classify" licenses and fees has been properly construed by the Board of Street Commissioners to authorize classification on the basis of the number of cars which it is contemplated shall use a parking space area, and I am informed that that Board has in practice made such a classification. This, incidentally, is one of the matters which your Honorable Body has asked me to include in the proposed draft.

To summarize, I am of the opinion that the Legislature, in delegating to the Board of Street Commissioners the power to grant licenses for engaging in the business of the conduct and maintenance of open-air parking spaces, intended also as an incident of the grant to include in the power to license the power to make reasonable rules and regulations with respect to the exercise of the license granted. I am further of the opinion that this delegation by the Legislature was intended to be a complete dealing with the question and covers the whole field to the exclusion of the City Council.

Respectfully submitted,  
HENRY PARKMAN, Jr.,  
Corporation Counsel.

Placed on file.

## APPROVAL OF CONSTABLE'S BOND.

The constable's bond of James P. Keliher, having been duly approved by the City Treasurer, was received and approved.

## CUSTODY AND CONTROL OF NEPONSET TRAFFIC CIRCLE.

A communication was received from the Law Department inclosing copy of indenture between City of Boston, through Board of Street Commissioners, and Commonwealth of Massachusetts,

through Metropolitan District Commission, dated January 12, 1939, transferring care, custody and control of Neponset Traffic Circle to Metropolitan District Commission for term of ninety-nine years. Placed on file.

## AMOUNT CITY CAN BORROW.

A communication was received from the Board of Commissioners of Sinking Funds showing that amount which city can borrow during present municipal year, within debt limit established by law, is \$6,113,422.78, as follows:

DEBT INCURRING POWER IN 1939.	
Total debt incurring power within the debt limit (2½ per cent of \$1,571,053,726, the average assessed valuation for three years, less abatements).....	\$39,276,343 15
Debts incurred:	
Total funded debt, city and county.....	\$156,679,066 60
Funded debt outside the debt limit (debt exempted from the operation of the law limiting municipal indebtedness):	
City debt.....	\$33,207,900 00
Water debt.....	140,000 00
Traffic Tunnel debt.....	16,000,000 00
Traffic Tunnel debt, "Series B,".....	3,000,000 00
Traffic Tunnel debt, "Series C,".....	500,000 00
County debt.....	1,948,966 60
Rapid Transit debt.....	55,921,700 00
	\$110,718,566 60
Funded debt for Public Works Administration projects, issued under authority of chapter 366, Acts of 1933, as amended by chapter 21, Acts of 1934,	6,250,000 00
	116,968,566 60
Funded debt within the debt limit.....	\$39,710,500 00
Offsets to funded debt:	
Sinking funds.....	\$23,688,349 19
Less sinking funds for debt outside the debt limit:	
City.....	\$6,432,145 47
Rapid Transit.....	12,948,301 88
Traffic Tunnel.....	524,533 41
Traffic Tunnel, "Series B,".....	224,984 52
Traffic Tunnel, "Series C,".....	24,024 42
	20,153,989 70
Offsets to funded debt within the debt limit.....	3,534,359 49
Net indebtedness within the debt limit December 31, 1938.....	\$36,176,140 51
Loans authorized but not issued (within the debt limit).....	1,503,500 00
Used debt incurring power within the debt limit.....	\$37,679,640 51
Unused debt incurring power within the debt limit, January 1, 1939.....	\$1,596,702 64
Estimated increase during the year by:	
Interest on sinking fund investments.....	\$107,885 14
Appropriation for sinking funds for debt within the debt limit.....	68,335 00
Serial bonds redeemable during year.....	4,340,500 00
	4,516,720 14
Estimated amount of indebtedness that may legally be incurred within the debt limit during the municipal year.....	\$6,113,422 78

Placed on file.

## APPOINTMENT OF A. FRANCIS O'TOOLE.

Notice was received from the Mayor of appointment of A. Francis O'Toole of 165 Lassell street, West Roxbury, designated by Building Trades Council, to be a member of the Board of Appeal for term ending April 30, 1939, vice John C. MacDonald, resigned.

Placed on file.

## APPOINTMENT OF JOSEPH H. SASSERNO.

Notice was received from the Mayor of appointment of Joseph H. Sasserno of 30 Bellevue street, West Roxbury, as member of Board of Overseers of Public Welfare, for term ending April 30, 1939, to fill a vacancy.

Placed on file.

## REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

Report on petition for driveway opening, viz.: Petition (referred January 16) of Henry Lesser, trustee, at 1271 Dorchester avenue—that leave be granted.

Report accepted; leave granted on usual conditions.

## SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in City of Boston for month of February, 1939.

Report accepted, and order passed under suspension of the rule.

## "SLOW" SIGN ON AMORY STREET, WARD 11.

Coun. ENGLERT offered the following: Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install a "Slow" sign on Amory street, Ward 11, about one hundred feet before entering Green street.

Passed under suspension of the rule.

## BARRIER ON MUDDY RIVER.

Coun. CAREY, CHASE and HARRIS offered the following:

Ordered, That his Honor the Mayor be requested, to ask the Park Commission and the Commissioner of Public Works to make an immediate survey of Muddy river in the Fenway with a view to erecting, as a W. P. A. project, a suitable barrier



to protect the lives of young children who frequent and play on its banks.

Coun. CAREY—Mr. President, I am sure that the sympathy of the citizenry of the entire City of Boston is extended to the parents of little Betty Roache and Billy Bowles who met their untimely deaths in the waters of Muddy river a few days ago. Small running streams like Muddy river hold a fascination to most of us, and especially to little children. Just four years ago two other children met a similar fate there. The sloping banks of the river make it extremely hazardous for the little children who play there and especially at this time of the year when the ground is covered with snow and ice. The dangers abounding there have been amply demonstrated by the loss of life there. I have been informed that a total of nine lives have been lost there through accident similar to that that befell the Roache and Bowles children. I believe that the time has come when some step should be taken to safeguard the lives of these young children. As this order suggests, I trust that his Honor Mayor Tobin will immediately request the Park Commissioner and the Commissioner of Public Works to make a survey of Muddy river with a view to erecting a suitable barrier, such as a fence or an arch of some kind, in order that the lives of little children might be protected. No doubt funds for this work can be secured by doing this work as a W. P. A. project.

The order was passed under suspension of the rule.

#### PROTECTION FOR CHILDREN, MUDDY RIVER.

Coun. CAREY, CHASE and AGNEW offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to assign a police detail to Muddy river until such time as some suitable barrier is erected there for the protection of young children who frequent and play on its banks.

The rule was suspended, and the question came on the passage of the order.

Coun. AGNEW—Mr. President, some time ago I introduced an order here, in conjunction with Councilors Carey and Chase, pertaining to Muddy river, to have it cleaned and dressed up somewhat as a W. P. A. project. From time to time we read in the papers about children being drowned in Muddy river, or about some kind of accident there; but up to the present time I have not seen a reply or answer to order I have introduced in regard to Muddy river. I have favored and will favor a resolution looking to the promotion of a W. P. A. project on Muddy river, not only with a view to safeguarding the children who play around that area, but also to help beautify that section of the city.

The order was passed under suspension of the rule.

#### ATTENDANCE OF DOCTOR IN ACCIDENT WARD.

Coun. ROSENBERG offered the following:

Ordered, That the Trustees of the Boston City Hospital be requested, through his Honor the Mayor, to immediately make arrangements to have a doctor in attendance at all times in the Accident Ward to give immediate relief to emergency cases and that the check-up on the history of the patient be left until the patient has received emergency treatment.

Coun. ROSENBERG—Mr. President, I believe the Trustees of the Boston City Hospital are perhaps as fine a representation of the citizenry not only of the City of Boston but of any city or town in the country as can be selected. I feel also that the superintendent of the hospital is a very able and alert official; but in the administration of the hospital or of any large institution of the kind, which deals with so many of the inhabitants of a large city, there are occasionally things arising which require correction. I have particularly in mind the fact that only recently, in a case which has been brought to my attention, a woman had acid spilt over her face and eyes and needed immediate attention. Suffering excruciating pain she and the members of her household attempted to procure the services of a physician in the neighborhood. But there was considerable delay and so the Boston City Hospital was called up and requested to send a physician immediately to the woman's home. The reply was that there was

no physician handy who could be sent to the home but in view of the excruciating pain and suffering of the woman her folks were told to get a taxicab and have her go down to the City Hospital where she would receive immediate attention. Upon arrival at the hospital the patient, who went with her husband, was told to go to another part of the building, the Out-Patient Department. In the meantime she was suffering from intense pain and was unable to get around without assistance. When taken to the Out-Patient Department she was sent to the third floor of the hospital, where she had to await her turn, in line with a number of others, and after being there for about two hours was forced to leave without receiving treatment, her husband then taking her in a taxi to her home and calling in a physician in the neighborhood. I am informed by the husband that the condition of the woman's eye is such that there is a possibility of her losing it. I certainly feel, the hospital having been called by telephone and informed of the situation, that the woman should have been taken care of immediately as an emergency case upon her arrival. I feel that in such cases there should be an immediate check-up on persons suffering pain and in a dangerous condition, and that the proper thing to do would be to attend to such a patient, giving whatever aid was required immediately, and then checking up on the information required by the hospital later on. That is, the patient should be treated first, in emergency matters, alleviating intense suffering and perhaps avoiding the very serious results that might ensue from, if prompt assistance were not given. I think, therefore, that there should be immediate relief for emergency cases and that the check-up on the history of the patient should be left until the patient has received emergency treatment.

Coun. WILSON—Mr. President, I heartily agree with the remarks of the gentleman from Ward 14. I question whether the mere passage of this order will accomplish what is desired. But I do believe that the personnel of the Boston City Hospital should be held responsible for any such ridiculous red tape in cases such as that to which the councilor has referred. I believe that sort of thing should be corrected and that such instances should not occur again. I don't know what disposition the gentleman desires made of his order, but I would suggest that it be referred to the Committee on Hospitals, of which he is a member, and that the persons at the City Hospital responsible for what happened be requested to attend a meeting of the committee—of which I am not a member—and have the thing threshed out. I think this is a thing that the finger should be put right on now, so that that sort of happening will stop.

The order was referred to the Committee on Hospitals.

#### INVESTIGATION OF RADICAL MOVEMENTS.

Coun. CHASE, WILSON and CAREY offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to submit to the City Council a complete report of all radical movements investigated by the Boston Police Radical Squad.

Coun. WILSON, CHASE and CAREY offered the following:

Resolved, That the Boston City Council respectfully requests the Dies Congressional Committee for the Investigation of un-American Activities to investigate all Communist and other radical movements within the City of Boston.

Coun. CHASE and WILSON offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of directing the Statistics Department to analyze, make a summary of, and prepare a brief report on the findings of the Dies Congressional Committee for Investigation of un-American Activities in the United States, and be it further

Ordered, That his Honor the Mayor be requested to direct the Printing Department to print fifty thousand (50,000) copies of such brief analyzed report when made available by the Statistics Department for distribution among the citizenry of Boston.

The question came on the passage of the orders. Coun. CHASE—Mr. President, I am just one of those old-fashioned Yankees who believe that

the American form of government is the best type of government in the world. It is certainly the only kind of government that I care to live under, and I believe the great majority of the other millions of Americans in this country feel the same way. Only last week the United States Congress expressed the same sentiment in its vote in regard to un-American activities, by voting 344 to 35 to continue the Dies investigation of such activities. I note that municipal and state governments all over the United States are conducting rigid investigations of radical movements within their confines, and I believe it is about time that we in Boston did something about these Red activities all about us. I have before me the "Congressional Record" of Wednesday, February 1, 1939, and I note with interest what Senator Reynolds of North Carolina has to say about Communists and Reds in our midst. He says, on page 1416 of the "Congressional Record":

"Let me return to the question of communism. The other day in a Senate reading room I picked up a copy of the 'New York Times' and this is what I read:

"Twenty thousand at 'red' rally on Lenin death day. Send plea to Washington for end of Spain embargo."

"This was on January 24. The article continues:

"Observing the fifteenth anniversary of the death of Lenin, 20,000 Communists and sympathizers, filling Madison Square Garden last night, signed a 'collective telegram' urging an end of the arms embargo against Loyalist Spain, heard party leaders warn that the country and the world faced a 'serious offensive of reaction' and witnessed a musical play presented to illustrate America's 'revolutionary tradition.'"

"The speakers, including William Z. Foster, national chairman of the Communist Party, just returned from Cuba; Israel Amter, state chairman; James W. Ford and Elizabeth Gurley Flynn assailed the Republican Party, the Dies committee, the 'financial oligarchy,' the 'poisonous priest in Detroit,' and others as attempting to lead the United States into fascism. The meeting adopted resolutions urging passage of the full W. P. A. appropriation presented by President Roosevelt, and asking an end of the Dies committee."

"Here we find 20,000 Communists, 20,000 'reds,' 20,000 from the Soviet Union, engaged in preaching the overthrow and the destruction of our form of government, there in observance of the fifteenth anniversary of the death of Lenin himself, demanding that there be no more investigations of un-American activities by the Dies committee, the committee headed by that able and courageous Representative in the House from the State of Texas.

"In that connection I may express the hope that there will be no hesitancy about the granting of appropriation of an additional \$100,000 or \$150,000 in order that the fine work of the Dies committee may be carried on, in order that the 130,000,000 people of America may be acquainted with what today is taking place in the United States. I thank God that the American people are awakening at last to the fact that they have been giving too much attention to the fights that have been going on in the country between the 'isms,' communism and fascism and nazi-ism. What the American people should do from now on is to give consideration to their own Americanism, and from now on I trust sincerely that we in this country shall hear of nothing except Americanism, so far as our own country is concerned.

"Day in and day out we read through the columns of the press what the Nazis are doing, what the Fascists are doing, and what the Communists are doing. And right in New York we find the Communists holding a rally. The Communists hate the Nazis. The Communists hate the Fascists. Stalin, Lenin's successor, despises Hitler. Stalin despises Mussolini. Stalin would like to see them both in their graves, and their respective Governments destroyed. And so it is likewise on the other hand. I dare say that Hitler and Mussolini both hate and despise Stalin and would gladly see him in the grave. They hate one another. And therefore we find the Communists and other elements in this country praying that the United States of America shall become involved in war with the Fascist states of Europe, because the Communists want the United States to shoulder the responsibility of war with their enemies. All such movements should be stopped."

Let me now, Mr. President, quote from "The Communist Situation in California," a report of Subcommittee on Subversive Activities of the Crime Prevention Committee, issued by The Peace Officers' Association, State of California, Seventeenth Annual Convention, Oakland, California, September 16, 17 and 18, 1937." The officers of The Peace Officers' Association of the state of California are James E. Davis, Chief of Police, Los Angeles, President, M. B. Driver, Sheriff, Oakland, First Vice President, William J. Quinn, Chief of Police, San Francisco, Second Vice President, John P. Steckter, Sheriff, Napa, Third Vice President, Bodie A. Wallman, Chief of Police, Oakland, Fourth Vice President, James T. Drew, Chief of Police, Retired, Oakland, Secretary-Treasurer, Grat M. Hugin, Sheriff, Modesto, Sergeant-at-Arms, Executive Committee, Chief of Police James E. Davis, Los Angeles, Chairman, James T. Drew, Chief of Police, Retired, Oakland, Secretary, Sheriff Eugene W. Biscailuz, Los Angeles, Chief Bodie A. Wallman, Oakland, Superintendent, C. S. Morrill, Sacramento, Captain Charles W. Dullea, San Francisco, Committee on Crime Prevention, Deputy Chief of Police Homer B. Cross, Los Angeles, Chairman, Captain Walter J. Lee, State Police, University of California, Berkeley, Sheriff Grat M. Hugin, Modesto, Chief G. W. Griffin, Salinas, Lieutenant Oscar J. Jahnsen, District Attorney's office, Oakland, Sheriff Logan Jackson, Santa Ana, Chief J. H. McClelland, Long Beach, Sheriff Ernest W. Dort, San Diego, Chief William J. Quinn, San Francisco, Sheriff Robert W. Ware, El Centro, Chief Bodie A. Wallman, Oakland, Sheriff George J. Overholt, Fresno, Superintendent C. S. Merrill, Sacramento. Subcommittee on Subversive Activities, Captain William E. Hynes, Los Angeles, Chairman, Captain Walter J. Lee, State Police, University of California, Berkeley, Deputy Chief of Police Homer B. Cross, Los Angeles, Chief Bodie A. Wallman, Oakland. The report deals with "The Communist Situation in California."

"September, 1936-September, 1937. One year since we surveyed the destructive operations of the Communists in California. One year rich in unhampered advancement and desired achievements for the Communists, but destitute of proudfest milestones for the patriots of the state who still naively refer to America as 'our country.' How long we will be able to call it 'our country' is a matter for serious speculation and reckoning, for obviously, we have thus far been unable to stay the menacing advance of Communism.

"The rocket-rise of membership rolls in the Communist Party, the national chaos created by Communist-inspired strikes, the penetration into millions of American homes, via the radio route, when Communist propaganda is given national dissemination, are but a few of the instances which prove that the Communists are advancing with sure and rapid strides while the Americans are not walking — but being pushed backwards.

"The June, 1937, issue of 'The Communist,' a Communist publication, carries an article which says in part:

"Today, the American working class as a whole is entering independently the arena of class struggle and is taking the lead of other democratic and progressive forces. This we have foreseen and struggled for. . . . We display ourselves and encourage others to display more consistency in the realizations of the common tasks of the moment thus enabling the movement as a whole to reach its next and higher stage."

"Here, the Communists boast that the Americans are entering the revolutionary movement voluntarily. This then would show us that the barometer reading points to danger ahead. The Russian Communists defend their country with the sword and gun, but Americans sit blandly by while these same Communists invade our country and attempt to overthrow its democracy and set up their own preferred form of government. Regular reports emanating from Russia tell of mass executions of high Red Army officials, of leading figures in the government, of men and women in every walk of life, for suspected designs for overthrowing the Communist régime. In America, we cannot so much as deport an agitator and revolutionist even though it may have been proven that he has applied himself tirelessly to the ultimate aim of overthrow of this government.

"An enlightening procedure for us would be to compare the calendar events recorded by American patriots with those chalked up by the Communists. What steps can we record as having taken to halt

the advance of Communism? To our shame be it said that we have failed to take even the most elementary precaution for self-preservation—the enactment of legislation which would outlaw the advocacy of Communism in this country. The Communist horde grows daily, gloating over the fact that we are a spineless nation which submissively prostrates itself for the ravaging attack of the jackals. Alien agitators continue to spread their propaganda; alien organizers continue undisturbed, to stir up strife in the industrial field and propagandists serenely carry on their indoctrination of schools, church groups and fraternal and cultural groups. We permit teachers who are members of the Communist Party, to continue in their posts in the public schools, where the seeds of thought are planted in young minds in the hope and belief that when they germinate they will have flowered into revolutionary fruitage. The governmental apparatus which was designed by our discerning and inspired forbears, as a protective measure for the deportation of undesirable aliens, remains a neglected and disused string of words.

"In sharp contrast to our dearth of activity or achievements, we find that the logbook of the Communist Party reveals entry upon entry of achievement. Let us briefly survey some of these memoranda.

"The all-time record attendance established at the Earl Browder mass meetings in California, marks one monument to Communist progress. Earl Browder, the Communist candidate for President of the United States, on tour during the election campaign of 1936, was the featured speaker at mass meetings held in San Francisco and Los Angeles County. The total attendance at these two meetings ran into five figures. Approximately 30,000 persons in California assembled to hear about the Communist election platform and to learn what the Communists propose to do should their party take up the reins of government.

"The 19th anniversary of the Russian Revolution was observed in California with gala affair and demonstrations. The Communist patriots at that time appealed to the people of the state to 'Join the Communist Party,' to 'Pass the American Youth Act,' and also attempted to popularize such slogans as:

'Communism is 20th Century Americanism'  
and

'Long Live the Soviet Union.'

"In Los Angeles, the Russian Revolution's Anniversary was celebrated by an outdoor demonstration at the Plaza, at 2 p. m. Emma Cutler spoke there, of the desirability of America's becoming a Soviet America.

"The establishment and successful operation of Communist schools in various sections of the state marks a high light in Communist activities in California during the past year. These schools are referred to as 'Workers' Schools.' Their purpose is to train Communists for organizational and field work. Courses included 'Marxism-Leninism,' 'The Principles of Communism,' 'Leninism,' 'Contemporary Trade Union Problems,' 'Principles of Party Organization,' 'Economics, Labor and the Law,' 'Communist Position on the Negro Problem,' 'Soviet Social Problems,' 'Democracy and Fascism,' 'Fundamentals of Political Education,' 'Traditions in American History,' 'Political Economy A and B,' 'Behind the Headlines,' and classes in public speaking, labor journalism and English. A large proportion of the students attending these so-called 'Workers' Schools' are young Americans who have been ensnared through the various devices which the Communists are such adepts at inventing. The training of future revolutionary leaders is regarded by the Communist Party as one of its most sacred obligations and responsibilities. Americans interested in the preservation of democracy would do well to give some thought to this policy of education of youth and adults alike, as practised by the Communist Party. Within the past year, numerous Communist schools of varying lengths of time have been successfully conducted, in which organizers have been trained for positions as Party organizers, field organizers for agitational activity in the agricultural field, etc. In addition to these training schools, numerous 'New Members' Classes' have been conducted throughout the state. New recruits in the Party receive in these classes the fundamental training necessary to proper activity in the Communist Party.

"On the opposite side of the fence, do we see any schools with 'Americanism' as their subject of study?

"Before going further into the subject of Communist activities in California, we should pause to consider the absurdity of the pattern we are weaving into the tapestry of California history. The design shows an unconcerned and disinterested California populace viewing with indifference the activities of the revolutionists in its midst. Civic centers, theaters, huge auditoriums are lent to the marauders, so that they may attack our governmental structure and carry on the activities of destruction. It is the heyday of the Communists. No laws are passed to hinder the jaunty progress of their work. American students are enrolled in their Communist schools and emerge as new leaders for the Party. They are accorded place on the ballot of the state and are accepted as a 'political party,' when every statement of their aims points out that they are a revolutionary party.

"So smug are they, that they vigorously protest with the utmost resentment, any move on the part of loyal citizens, to combat their efforts to sovietize the state, while bending the neck of the entire nation under the Communist yoke.

"An example of this appears in the attempt of the Communists to disparage a public speaking contest held in Sacramento in April of this year, wherein American citizens of California dared to conduct such a contest on the subject of 'American Citizenship and What it Means to Me.' We quote from the 'Western Worker' of April 29, 1937, in which the Communists display their spleen: The article is titled 'Crusaders Corrupting School Kids,' and reads:

"Sacramento—The California Crusaders, facist minded organization, is busy corrupting the school children in the San Joaquin Valley trying to instill vigilante ideas. It recently conducted a public speaking contest on "American Citizenship and What it Means to Me." The Crusaders' ideas on this subject are notoriously anti-labor, anti-democratic.

"If we cared to be facetious, we might conjure up a fantasy in which we would see the Iron Men of Soviet Russia lending—without restriction—the great Red Square in Moscow, as a meeting place in which intrepid Americans would mount the rostrum and speak in glowing terms of 'American Democracy;' would tell of the joys and advantages and privileges enjoyed by the residents of the United States of America and would advocate that the Soviet Communist Government be overthrown and that a Democracy be established in Russia. True, the mental invention thus fabricated, is mere word painting—castle building—and is to be set aside as the absurdity and the meaningless brain coinage that it is. But in setting it aside, we should look back at the gross contrast presented. Why should we accept two such diametrically opposed standards of governmental protection, as appear in the cases of America and the Soviet Union? If it appears insane to paint a picture of such proceedings in Moscow's Red Square, why should it not also appear insane to draw a picture of Communists being given the privilege of using the Civic Centers of our American cities as broadcasting centers for their anti-American propaganda? Is it that Americans, who have the greatest and finest heritage of any citizens of the world hold their advantages so lightly that they will exert no effort to protect them?

"Many Americans who consider themselves eminently wise, are wont to make light of the efforts of those who warn of the increasing sympathy evidenced for Communist doctrines as promulgated by the local distributors of propaganda. If these skeptics would trouble to investigate for themselves they would see that the inoculation of the youth in schools, sports groups, Y. M. C. A.'s, etc., with Communist virus, is being accomplished without restraint; they would see church groups taking up the campaigns instigated by the Communist Party, probably due in large part to the fact that these campaigns are so cleverly garbed as to have covered their resemblance to the Communist family; trade unions are drawn into the party campaigns through ingenious methods; large numbers of unsuspecting persons are roped into the Communist march of progress, entirely unaware of the real instigators of the various campaigns and the true parentage of the various groups and organizations they may have affiliated with.

"The arteries of the Communist blood stream parallel every phase of American life. These arteries are what the Party refers to as Mass

Organizations. Their nomenclature is chosen with the view of distinguishing their varying characteristics and with consideration for the attractiveness of the appellations to the public.

"The path leading into the homes of the American people and paved with Communist chicanery, and which we have been observing and exposing as we progress, now leads us into the Youth Movement. Cozenage, circumvention and guile combine to make the sharp practices utilized in the drive to ensnare the American youth; pitfalls covered with the protection of 'sports groups' which have a general appeal to the youth; the decoy of social affairs; the lure of summer camps and picnics; the ruse of building anti-militaristic groups in schools.

"We should interrupt the observation of the various phases of the 'youth movement' at this point, to expose the Young Communist and their cohorts in California, who build strong groups about themselves for the abolition of military training in the schools. This agitational question has long been one of the most hotly argued points implicated in the youth's discussions. While demanding that militaristic training be abandoned in the schools of the United States of America (a far-sighted move to cripple America in the case future defense were needed), the Young Communists are aware that the following edict came from Moscow in 1935: 'Millions of young Russians, both men and women, must make parachute jumps and study airplane motors, under an order issued today. The order makes military and technical training compulsory for both sexes between the ages of 16 and 21. The training prescribed includes anti-gas drills.'

"The deceit practised by the Young Communists is effectively exposed here. According to their advocacy, the United States of America must not provide the most elementary military training for its youth, but it is laudable for Red Russia to force its youth (both boys and girls) to prepare themselves for war.

"The 7th World Congress of the Communist International passed the following resolution on youth work:

"Pointing out the underestimation by the Young Communist League as well as the Communist Parties of the importance of mass work among the youth and the weakness of this work in a number of countries, the Seventh World Congress of the Communist International instructs the Executive Committee of the Young Communist International to take effective measures to overcome the sectarian secludeness of a number of Young Communist organizations, to make it the duty of the Young Communist League members to join all mass organizations of the toiling youth (trade union, cultural, sports organizations) formed by bourgeois-democratic, reformist and fascist parties, as well as by religious associations; to wage a systematic struggle in these organizations to gain influence over the broad masses of the youth, mobilizing it for the struggle against militarization and forced labor camps!

"The Eighth National Convention of the Young Communist League was held in New York City, May 2nd to the 5th, 1937. 558 delegates were registered at this Convention, representing 26 states.

"On Sunday, May 2nd, the evening session of the Convention was held in Madison Square Garden, with 20,000 people present. In this session, Earl Browder introduced the question of the civil war in Spain and spoke of the need of men in that great conflict. William Z. Foster also spoke on this subject. This may appear insignificant at first glance, but the dreadful import lies in this: Communists agitate the American youth against military training and urge that they refuse to ever bear arms—even in defense of America; on the other hand, two of America's best known leading Communists tell their own youth of the need of men in Spain! Communists will gladly sacrifice their own youth upon the altar of war if by so doing, they can add one more link to the chain of Communist Dictatorships being forged today.

"One practice employed in CCC camps,—that of employment of Army heads in the camps—drew the fire of the Young Communists sitting in convention.

"The convention also noted the fact that the YCL is only one of the many now existing progressive youth organizations in America, the American Students Union, the Young Democrats and others being noteworthy.

"The deviation of the course of the youth movement, in changing the Young Communist League

from a junior Communist Party into mass organization some time ago proved fruitful for the revolutionists. The lessening of the formerly rigid discipline and the attendant organizational changes developed a more attractive organization for presentation to young Americans, for whom the anglers are baiting their hooks.

"The aims of the Young Communist League have remained the same and are not affected by the organizational changes. Quoting from a 'Handbook for Young Communists,' we offer the following enlightening material:

"We Communists openly proclaim our aims. We tell the workers that under the leadership of the Communist Party and the Young Communist League capitalism will be overthrown and a government controlled by the workers and farmers put in its place!

"Communists are not pacifists. We do not believe that war or capitalism can be gotten rid of by merely doing nothing about it. We fight the war danger through militant action—strikes, demonstrations, and finally, the overthrow of capitalism!

"The organization of the working class under the leadership of the Communist Party and the Young Communist League will enable us to take over the factories, the banks, the railroads, the land, etc. The workers will then take charge of production.

"Just as the Russian workers, with the leadership of the Russian Communist Party, were able to free themselves from the yoke of Tzarism and Capitalism, so will we in the United States, under the leadership of the Communist Party and the Young Communist League, overthrow capitalism and build a workers' and farmers' government—A Soviet America!

"If it is necessary to destroy the capitalist government, why do we take part in elections, you ask.

"The Communist Party and the YCL have a definite purpose in taking part in elections. To begin with, they afford us an opportunity to publicize our platform and the demands of the working class.

"Secondly, Communist candidates who are elected use their office in order to better on the fight.

"In its most general form the YCL is the School of Communists.

"We must fight against militarization of the youth in the schools, the CCC and transient camps. We call for the abolition of the Citizens Military Training Corps, the Reserve Officers' Training Corps, etc.

"In glaring contrast to the latter demand of the Young Communists (the abolition of all military training in the schools), we find the following admission in their own handbook:

"The Young Communist League drill and defense squads have been formed.

"Every Factory a Communist Fortress."

Additional facts regarding the Young Communist League are provided for us by the Young Communists themselves. Among the many explanations offered, we find the following:

"The Young Communist League is the American Section of the Young Communist International at Moscow, the central organization of the Revolutionary Youth of the World. In the United States the Young Communist League is bitterly hostile to and does everything it can to oppose and undermine military training in schools and colleges, civilian military training camps, the National Guard, and the Reserve Officers' Training Corps."

In another publication, we find the following vest-pocket description of the YCL:

"Through the connections it has established and as a result of the beginnings made in reconstructing the YCL into a mass organization, more democratic, trying to cater to all the social, educational, cultural and sports desires of the youth, the YCL has recruited hundreds of new youth (in California, particularly) and has doubled its membership during the last 8 months."

"The territory of the State of California is divided into 'Sections' by the Young Communist League, for organizational purposes and efficiency. The Sections are:

"San Francisco, East Bay, Sacramento, Redwood City, Palo Alto, San Mateo, Eureka, Monterey, San Jose, Contra Costa, San Bernardino, Los Angeles, and San Diego.

"Active branches in the San Francisco section are:

"Tom Mooney Branch, Waterfront Branch and the Spirit of '76 Branch.

"In East Bay there are: YWCA Branch in Oakland, Frederick Douglas Branch, Tanso Branch.

"The Lincoln Steffens Branch in Berkeley is outstanding, and in Los Angeles the UCLA Branch is credited with having accomplished praise-worthy work.

"In describing the manner in which Young Communists should bore into factories and shops, the Publication previously quoted from says:

" . . . we choose the most important basic factory (in a given territory and in cases where there is a limited number of YCL members), and concentrate our work at that point. Certain comrades will be assigned to take the license numbers of the automobiles and in that way contact the workers. Others will sell literature at the gate of the plant. When contacts are made in the plant a shop bulletin will be issued in the name of the Young Communist League. The bulletin will point out the poor condition of work, and show how improvement can be obtained through organization. As soon as possible work will be done toward building a union in the plant."

"A good way in which to illustrate Young Communist League work as a whole is to compare it to a machine operating on the belt system. The YCL has numerous feeding belts connecting us to the masses of young workers and students—some of these belts connect us directly (as through our units); others, indirectly, through mass organizations. In turn, as a result of our mass work we recruit new members for the Young Communist League."

"Your job is to win every young worker whom you personally know, for the League. Don't abandon your friends, even though they still go to church on Sunday."

"The following excerpts taken from the pamphlet entitled, 'Make Your Dreams Come True,' and written by Gil Green, are chosen because of their informative nature:

"For some years our League has repeated the need for transforming itself into an organization broader and larger than the Communist Party."

"For the past year and a half we have been working in this direction. Since the Seventh Convention of our League we have more than doubled our membership to 13,000, but what is also of significance is that beside the growth of the League itself, we have helped establish independent youth clubs and organizations with programs very similar to ours and which, together with us, totals some 55,000 young people."

"It is, therefore, possible to envision for the not too distant future the merger of our League with other advanced organizations of youth into a united anti-fascist youth league of mass proportions."

"Why do we not propose an immediate merger of these organizations? Because the forces working in the direction of such a united league are only in the first stages of crystallization. Through the work for the building of an American People's Front; through the rising militant labor movement; through the extension of the unity in the ranks of the youth—through these streams it will be possible to unite hundreds of thousands of young people into an organization for education and struggle; into an organization comparable to the great United Socialist League of Spain with its more than 300,000 members."

"In the meantime, while continuing to help build such organizations as the Youth Division of the International Workers' Order with its 17,000 members; as the American Student Union with its 20,000 members; as the Youth organizations around the Farmer Labor Parties; as the dozens of independent clubs under our influence, we must especially emphasize the need for a radical transformation of the character of our YCL on the basis of the decisions of the Sixth Congress."

"The Young Communist League endorses and supports the program of the American Student Union. Why shouldn't it? It has joint parent-hood with the Communist Party over this organization. There are chapters of the American Student Union in high schools, junior colleges and universities."

"In order to provide a picture of the type of teaching given the Young Pioneers, we incorporate here a few quotations from the 'New Pioneer,' a Communist youth publication." Here is what they say about George Washington:

"Some facts about the father of our country.

"He was one of the biggest drunkards of his day!"

"He was a Federalist. They believed in rich having more power than poor!"

And about Abraham Lincoln:

"Referring to Lincoln, the youth publication tells its Pioneers and any other children whom they may reach:

"The Great Emancipator—He did not want to free the slaves. He wanted to save the union so the northern capitalists could go on exploiting the southern states for their own use."

"Children's Summer Camps are established throughout the country. Adult Communists or sympathizers are placed in charge. The prospectus includes the teaching of hatred for religious and patriotic institutions, contempt for the Government and the flag, and on the other hand, schools the children in the tenets and principles of Communism. Recreation is provided in the form of games, hiking, etc."

"It may be appalling to some readers to learn of situations such as this, but the citizens of the country have only themselves to censure. Certainly, a rightly resentful populace could rise in righteous wrath and force the enactment of legislation which would forever abolish the establishment of schools which teach and advocate the overthrow of our government and the substitution of a Communistic régime."

"Effort in industry, pride in labor, thrift, investment and provisional measures for comfortable old age—all of these are components of American life. The vision conjured up by our forefathers, of commerce flowing freely from coast to coast and from our shores to those of distant lands, became a reality. But something went awry and suddenly we find ourselves in a maelstrom strife. Strikes. Picket lines. Intimidation of loyal workers who insist upon exercising their prerogative to work at their jobs. Beatings and property damages. Industry handcuffed. Great ships lying silent in harbors."

"But who is guilty of having created the situation? When a crime is committed we seek the culprit. Here is a crime which was committed against the country as a whole, against the workman and against the industrialist as well. America, magically soaring from the depths of a gripping depression to the heights of prosperity, suddenly found herself bound with ties she could not break. Strangled by her own people who by a series of strikes, kept men out on strikes, kept men out of work and put them on relief. A country at peace with the world—but torn asunder by her own people! True, the tiresome struggle of 'Lahor v. Capital' so dear to the hearts of the revolutionists, continued; but the suicidal combat of Labor vs. Labor is the tragic center of interest in the country today."

"Again the question is asked, 'Who is responsible?'"

Now, gentlemen, everything I have read concerning un-American activities in California is from men who are law-enforcing officers of that state and their opinions apparently are based on facts which cannot be controverted. I do want to add a word of heartfelt appreciation of one kind of labor leader we have in this country, President Green of the American Federation of Labor, who, with his organization, has done wonderful work in counteracting these un-American activities. I certainly trust that the Council will see fit to pass each and every one of the three orders that I have introduced.

The orders were referred to the Executive Committee.

#### RECESS.

The Council voted at 3.34 p. m., on motion of Coun. TAYLOR, to take a recess subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 4.15 p. m.

Coun. WILSON in the chair.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. KELLY, for the Executive Committee, submitted the following:

1. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusement:

Harold B. Simpson, Y. W. C. A. Hall, February 14.

Boris Novikoff, Peabody Hall, March 3.  
Recommending that leave be granted under usual conditions. Report accepted; leave granted under usual conditions.

2. Report on orders (referred today) that Police Commissioner submit report of all radical movements investigated by police radical squad and that Dies Congressional Committee investigate all Communist and other radical movements in City of Boston—that same ought to pass.

The report was accepted and the orders were severally passed.

3. Report on message of Mayor and order (referred today)—approving legislation providing for conveyance to city of portion of elevated structure—recommending reference to Committee on Legislative Matters.

The report was accepted and the matter was referred to the Committee on Legislative Matters.

4. Report on message of Mayor and order (referred January 30) transferring from Hospital Department to Department of Public Works old Parental School land and buildings in West Roxbury—that same ought to pass.

The report was accepted and the order passed.

#### CONDITIONS AT CITY FUEL COMPANY, BORDER STREET, EAST BOSTON.

Coun. AGNEW, for Coun. Irwin, offered the following:

Ordered, That the Health Department of the City of Boston be requested, through his Honor the Mayor, to immediately investigate conditions at the property of the City Fuel Company on Border street, East Boston, and report their findings and recommendations forthwith to the City Council relative to the coal dust nuisance.

Passed under suspension of the rule.

#### PENSION FOR CERTAIN RETIRED POLICE OFFICERS.

Coun. AGNEW, for Coun. Irwin, offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation as follows: All police officers of the City of Boston who were retired before reaching the age of retirement by reason of incapacity occasioned by injuries received in the performance of their duties shall be entitled to a pension in an amount equal to that which police officers retired for the same reason are receiving on the effective date of this act, provided such legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

#### PENSION FOR FRED G. TRASK.

Coun. AGNEW for Coun. Irwin offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation as follows: That Fred G. Trask, a police officer of the City of Boston, who was retired before reaching the age of retirement by reason of incapacity occasioned by injuries received in the performance of his duties, shall be entitled to a pension in an amount equal to that which police officers retired for the same reason are receiving on the effective date of this act, provided such legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

#### REPORT OF COMMITTEE ON RULES.

Coun. FITZGERALD, for the Committee on Rules, submitted the following:

Report on resolution (referred January 30) memorializing Congress to continue activities of W. P. A. at full complement and rescind recent cut of \$150,000,000 from appropriation—that same ought to pass.

The report was accepted and the question came on passage of the resolution.

Coun. ROSENBERG—This resolution I believe, is a very helpful one. Despite the fact that criti-

cism has been leveled at the W. P. A. I believe this resolution should be adopted in order to call the attention of Congress to the necessity of enacting an appropriation of \$150,000,000 in order that those people who need the work may be kept at work.

The resolve was passed under suspension of the rule.

#### NEW EDITION OF "BOSTON'S STREETS."

Coun. WILSON offered the following:

Ordered, That the Superintendent of Printing be authorized and directed to print a new edition of one thousand copies, bound in boards, of the book entitled "Boston's Streets," with the precinct changes, if any, made by the Election Commissioners to December 31, 1938, together with street names corrected to date and with designations of existing public highways; said copies to be distributed under the direction of the Committee on Printing, the expense to be charged to the Contingent Fund.

Passed under suspension of the rule.

#### FILING CABINETS FOR ASSESSING AND WATER DEPARTMENTS.

Coun. TAYLOR offered the following:

Ordered, That his Honor the Mayor be requested to instruct the Budget Commissioner to include in the current budget for the Assessing Department a sum sufficient to provide necessary filing cabinets in which to store records of said department.

Ordered, That his Honor the Mayor be requested to instruct the Budget Commissioner to include in the budget for the Water Division of the Public Works Department a sum sufficient to provide necessary filing cabinets in which to store records of said division.

Coun. TAYLOR—Mr. President, it seems that it is within the province of this Council to determine the ways and means for generating cool air in the hot Sahara Desert and to see that the coolies in China are given proper treatment! Therefore, I do not intend, and hope I will not insult the intelligence of the Council or take up any of its time by bringing into the body something pertaining to the affairs of our city! But if any one of you had gone into the Assessing Department or the Water Income Department and had seen the way that records are kept there, you would be astounded. The Water Income Department for the first time in many years has given us something for which we should be proud. It has a surplus this year, after all bills for 1938 have been paid, of \$600,000, an amount where in other years we had nothing but deficits. But if you stand in that office you will see records that are invaluable to the City of Boston, that it would cost the City of Boston thousands and thousands of dollars to duplicate. Even though we have a man by the name of Daniel Sullivan in charge who is doing a thoroughly good job, we are failing to provide for the department equipment necessary to protect the files of the City of Boston. I cannot see for the life of me, even though we are now in an economy stage, why, under the circumstances, a few thousand dollars cannot be appropriated to protect those files. We have wooden files, and the building is not, in my opinion, free from the hazard of fire. There can be fires in City Hall as well as any other place, and we have had them there. If those records were destroyed, it would demonstrate the adoption of a very foolish economy by our City of Boston. We should spend money for the protection of these files which are so necessary and so valuable. In the Assessing Department we have the same thing,—records that cannot be duplicated unless we go to a tremendous expense—in wooden files, or in no files at all. Let the City Council get down to the business of this city and show to the people that we are doing something in their behalf so far as protection of their property is concerned. If you go up into the Water Income Department you will observe people coming in there with regard to their bills and with no place for them to sit down. You find them standing, leaning against the counter waiting for help to come to them, help which is non-existent, because they need more help there. I would suggest that his Honor the Mayor provide out of that \$600,000 income which the Water Depart-

ment made for the City of Boston last year a sufficient and adequate amount to keep their records properly.

The orders were severally passed under suspension of the rule.

#### SIDEWALKS FOR WARD 16 STREETS.

Coun. FISH offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to construct sidewalks along Laban Pratt and Arbroth streets, Ward 16, under the W. P. A. type of construction.

Passed under suspension of the rule.

#### SIDEWALK, SAWYER AVENUE, WARD 13.

Coun. HUTCHINSON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install a sidewalk, under the W. P. A. plan of construction, in front of 102 Sawyer avenue, Ward 13.

Passed under suspension of the rule.

#### RESIGNATION OF JUSTICE LOUIS D. BRANDEIS.

Coun. SULLIVAN, HUTCHINSON, GALVIN and ROSENBERG offered the following:

Whereas, The resignation of Associate Justice Louis D. Brandeis of the United States Supreme Court has caused an universal regret among the people of the nation in view of the penetrating logic, the legal acumen, and thoroughly progressive idealism and unwavering loyalty to the cause of democracy which he brought to that position, and

Whereas, He was the preeminent precursor of the cause of social and economic justice in the body which he dignified for nearly a quarter of a century, and

Whereas, The city which he once adopted as his own is today assailed by insidious groups boring from within, who have neither the same dignity, perception, nor loyalty to the American cause and who fail to distinguish between civil liberty and civil license and who contribute to democracy a meaning never known to a man of the honestly liberal beliefs which Louis D. Brandeis has always possessed; therefore be it

Resolved, That the members of the Boston City Council regret the passing of Louis D. Brandeis from the Supreme Judicial Body of the land and respectfully suggest that once again he adopt Boston as his home to carry on the fight for American democracy in the city which gave it birth.

The resolve was unanimously passed by a rising vote.

#### PUBLIC OWNERSHIP OF BOSTON ELEVATED.

Coun. SULLIVAN offered the following:

Resolved, That the City Council of Boston favors the enactment of legislation as suggested by the Public Utilities Commission to place the Boston Elevated Railway under Public Ownership.

Coun. SULLIVAN—Mr. President, I don't think there is any lengthy speech necessary on that order, but I do believe it is obvious to anyone, even not of a mathematical bent of mind, that money may be saved to the taxpayers of this city by taking up the bonds now outstanding on the Boston Elevated, with the accompanying saving of interest on such bonds and through ceasing payment of the present dividend.

The order was referred to the Executive Committee.

#### BUS LINE FROM GREEN STREET.

Coun. LANGAN offered the following:

Ordered, That the Trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to establish a bus line along the following route: From Green street up Centre street, through May street to Pond street, terminating at the Brookline-Boston line, Ward 19.

Passed under suspension of the rule.

#### RAZING OF BUILDINGS ON WEST ROXBURY VETERANS HOSPITAL PROPERTY.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange a W. P. A. project for the immediate razing of all buildings on the property formerly known as the West Roxbury Veterans Hospital.

Coun. LYONS—Two weeks ago I put in an order in regard to that property, the Veterans Hospital at West Roxbury. There was a message from the Mayor favoring turning the property over to the Public Works Department with the idea of demolishing the buildings, possibly through a W. P. A. project. After looking around up there I find that the buildings are not of any value at all. After three meetings in West Roxbury the consensus of opinion of the people is in favor of demolishing the buildings and having the City of Boston level the land off for some future development. I think the Mayor figured on possible house sites, bringing extra revenue to Boston. It has been figured that there were one million feet, and if there are W. P. A. projects to demolish the buildings and level the land off, it would be an ideal spot for a stadium or something beneficial to the ward. So with the proviso in the order to have the Public Works Commissioner arrange a W. P. A. project and go in and demolish the buildings and level off the land, but not to be sold for house lots, it might be that a stadium or some such structure could be erected.

The order was passed under suspension of the rule.

#### WAITING BOOTH BLUE HILL AVENUE AND SEAVER STREET.

Coun. ROSENBERG offered the following:

Ordered, That the Trustees of the Boston Elevated, through his Honor the Mayor, be requested to construct a waiting booth at the corner of Blue Hill avenue and Seaver street.

Passed under suspension of the rule.

#### MEETING ON THURSDAY.

Coun. TAYLOR moved that when the Council adjourn it be to meet on Thursday, February 16, at three p. m. The motion was carried.

#### USE OF SCHOOL BUILDINGS BY PRIVATE ORGANIZATIONS.

Coun. GALVIN offered the following:

Ordered, That the School Committee of the City of Boston be requested, through his Honor the Mayor, to set up certain rules and regulations with regard to the use of school buildings by private organizations to the end that at least five days' notice may be required and that sufficient information be furnished the School Committee so that it may easily be determined that said organization is not unpatricotic or un-American in its motives or purposes.

Coun. GALVIN—Mr. President, for the past few years, I have been following, with a great deal of interest and no little apprehension, the activities and utterances of Joseph Lee, Jr., of the Boston School Committee. My investigation, which has been of the most searching nature, has disclosed that this man is affiliated with most every known radical and Communist Front organization in this area, not counting nationwide groups, either by active supporting these groups or lending his support to them in various ways. To mention the Communist-led American Youth Congress and the Red American Students Union is but to name a few. His vicious and slanderous statement regarding the Irish and persons of Irish descent in the South Boston District is too well known to our citizens to repeat. This unwarranted attack upon one of the largest groups of our citizenry was certainly grounds enough to question Lee's fitness to hold public office. His recent attack upon the headmaster of the Roxbury Memorial High School and his views, upholding attacks on the Catholic church by Communist groups meeting in our public school building, which are supported by Catholic

citizens in the form of taxation, causes me, at this time, to take a very decided stand on this matter. I am being deluged with appeals, not only from my own constituents, but from citizens throughout the City of Boston, to take some concrete step which will result in the removal of Mr. Lee from public office and I am now engaged in studying our laws to find solid grounds of procedure. The Irish and Catholic people of the City of Boston, especially the older residents, will recall quite vividly the campaign of hate, vilification and slander which was the daily portion of their fathers and mothers in the early days of their settlement in Boston. I, for one, am determined that this ugly situation will not rise again in our community if my voice and meager talents can prevent it. There will be no more burning of convents and churches, no more assaulting of priests and nuns, regardless of the desires of Mr. Lee and his radical and communistic cohorts. No church in Boston will be painted with the Hammer and Sickle of Moscow, such as was done in New York City recently. I have reliable information that the forces of Communism and their "fellow travelers" recently held a secret meeting in Washington to formulate plans whereby they will conduct a campaign to present the Catholic church and its members as the enemies of progress and enlightenment, the supporters of Fascism and reaction and in this campaign they have enlisted the support of several well known left-wing columnists, whose offerings and outbursts are even appearing in the newspapers of our city. I have wired Congressman Martin Dies, Chairman of the House Committee Investigating Un-American Activities, to dispatch, at once, an investigator, to go into every possible angle of this alarming situation. I can do no less for the mothers and fathers of our boys and girls who attend our public schools and who may be exposed to this influence. Thank God the majority of our school teachers are loyal American citizens and detest Communism as much as any right-minded American who honors his country and its principles. Mr. Lee is not fit to serve on any public body and has sacrificed the confidence, if he ever had it, of every decent citizen of our city. He has used his position on the School Board as a sounding board and his unearned wealth to forward and to obtain publicity for ideas and principles which are seething with bigotry, hate and vilification coupled with abuse. This cannot continue if I can prevent it. As a member of the Boston City Council I would be derelict in my duties if I did not take this stand and I believe it will be the stand of each one of my colleagues when the facts of Lee's activities are known. I would suggest to these groups who have been meeting recently and condemning Father Coughlin for his masterful defense of Americanism, that they would be accomplishing more for domestic peace and understanding if they would devote some of their energies to investigating and condemning the Communistic activities at the Roxbury Memorial High School and its immediate vicinity. Here are some places that should be looked into:

15 Essex Street, Boston, Mass., Listed as the Communist Headquarters.

This is merely a blind, no real Communistic meetings or conferences are held in this office, nor are any vital or informative records kept here. Dictaphone records over a period of time and tapped wires revealed much important information, but nothing vital. The actual spots where the records are kept and the residences where the real stuff is discussed is known to me, and take it from me it is not in Charlestown or South Boston.

#### Boylston Place.

A nest of Communistic and radical groups are located in this alley, off Boylston street. Their names and purposes are known as well as their leaders.

#### Hayward Place.

Another group, who are on the outs with the Stalinists meet here. They are merely at loggerheads over leadership, not principles.

#### La Grange Street.

Here we find the assorted radicals and those engaged in missionary work. Stroll down this street and look things over for yourself.

#### Leverett Street.

Headquarters for the recruiters for Spain and other Communistic campaigns. Here you will find the Polish and Ukrainian Communists meeting.

#### Causeway Street.

Here we have another center for varied Communistic activities, over a restaurant, near Lowell street. If you are interested you can discover what goes on in this hall, as well as I can.

#### Charles Street.

A community house, where allied Communistic and radical groups, especially among the foreign and children of foreign-born parents are enticed away from their church organizations to join in activities which are directed by "Fellow Travelers."

#### Dorebester—Roxbury.

This area is infested with various halls and private homes where meetings of the Communist Party, Young Communist League, Young Pioneers, League for Peace and Democracy American Students Union, American Youth Congress, International Workers Order, Workers Alliance, Friends of Spanish Democracy, Abraham Lincoln Brigade, American Committee to Aid Spanish Democracy, Friends of China, Friends of the Soviet Union, American Federation of Teachers, the organization which the A. F. of L. was forced to denounce in New York and demand charters from several units. I could name others, but due to the importance of my information, it is deemed best not to divulge it at this time.

#### City Hall.

It is a known fact that well-known Communist agitators were and still may be employed in the basement of this very building by the Historical Records Section of the W. P. A.

#### Newbury Street.

Headquarters of the Communistic forces which are supporting Communistic Spain.

#### Byron Place.

The meeting place of the "Fellow Travelers," who do not want the public to know that they are Communists or Communist sympathizers. Here we will find the cream of the crackpots, radical morons and their mouied suckers who are taken for a financial ride in the interests of the "cause."

#### Symphony Hall.

Here we have a gang of "Fellow Travelers" meeting under the guise of a church, which in reality is nothing more or less than a Communistic and radical forum. The name of Christ, as the Savior of the World or the Redeemer of Mankind, is never heard within these walls on Sunday morning. The Christian plan of Salvation and the Christian Way of Life is a story unknown in this building on the Sabbath morn.

Instead the "Fellow Travelers" meet to listen to Earl Browder, the front for the Communist Party in the United States. Norman Thomas, the ever present Presidential Candidate of the Socialist Party for President. Scott Nearing, another well-known radical, and a long line of similar-minded persons, regardless of race or group, as long as it is pleasing to the "Fellow Travelers."

#### Ford Hall.

I need not go into the activities of Ford Hall. I need not relate the type that is found within this building on Sunday night. All I ask you to do is pay it a visit. Notice your audience and look over the faces. A safe place for the "Fellow Travelers" who cannot be seen at the meeting of Cell No. 10 or Unit No. 3 of the Communist Party or take part in a Top Fraction Meeting which is discussing the proper methods or arousing the pupils of the public schools to strike or to plan a demonstration on State street.

#### County Court House.

It is well known that communistic agitators were and may be still employed at the Register of Deeds office in the square. I do not mean to give the impression that any official of the city or county is responsible for the employment or retention of these persons; they are not. They are W. P. A. responsibility.

I have mentioned but a few places known to me that are now being used for communistic and radical purposes. In Somerville, Chelsea, Revere, Everett and Malden, not to mention other spots, such as Cambridge, has its centers. I will continue to probe into these activities also and transmit my information to the officials of these cities as soon as possible.



## APPEAL TO THE CITIZENS.

I urgently appeal to all right-thinking citizens of the City of Boston, who have any information, however slight, regarding any communistic or radical activities within the city to get in touch with me at my home, 46 Monument avenue, Charlestown, or write to me at that address, or if they desire, write direct to City Hall, but I would advise in the interests of secrecy, they write direct to my home and I will promise a full investigation. I desire the names, addresses and other vital information and I pledge myself to guard and protect anyone informing me of these affairs or hangouts. We are ready to go to town and no force, however powerful, will stop us.

I trust that the representatives of the press will aid in giving this appeal publicity.

In addition to the above, partly read and then submitted for inclusion in the minutes, Coun. Galvin submitted the following extracts for inclusion in the record:

## REPORT OF THE SPECIAL COMMITTEE ON UN-AMERICAN ACTIVITIES.

## AMERICAN STUDENT UNION.

As a section of the World Student Association for Peace, Freedom, and Culture, the American Student Union is the result of a united front gathering of young Socialists and Communists. It was formerly known as the Student League for Industrial Democracy and the National Student League. The latter was the American section of the Proletarian Youth League of Moscow. (See page 582, volume 1, committee hearings.) Out of the Coalition convention, which was held at Columbus, Ohio, in 1937, came the American Student Union. The united front was heralded in Moscow as "one of its (Communism's) greatest triumphs." (See page 582, volume 1, committee hearings.)

The American Student Union claims to have led as many as 500,000 students out in annual April 22 student strikes in the United States. It announced that it set up the "front" movement, the United Student Peace Committee in 1938, which has brought into its front seventeen national youth organizations. The young Communist League takes credit for the creation of the American Student Union, since it was its organization, the National Student League, which issued the call and organized the convention which was held in Columbus. (See page 584, column 1, committee hearings.)

In an advertisement which appeared in the Communist journal, "New Masses," the Union offered free trips to Russia. In 1938 it issued a call for a "closed shop on the campus," urging a united front between its local college groups and certain teachers and professional groups. It claims credit for perfecting a united front of Communist and Socialist students in Europe. (See page 584, volume 1, committee hearings.) Most of the subversive activities among the youth of the United States were formerly conducted through so-called student groups, one of these being the National Student League (Communist) and another the students League for Industrial Democracy (Socialist). The former group was organized in 1932, the other having been organized in 1905 as the Intercollegiate Social Society which was sponsored by the revolutionary writer, Jack London. While considerable rivalry existed between these two groups they were in conformity with orders issued at the July, 1935, World Communist Congress held in Moscow, merged in that year into a group which is now known as the American Student Union, which was not only sponsored by the Communist Party but to all intents and purposes is entirely controlled by it. To this American Student Union may be credited the continuous agitation for the promotion of the students' so-called peace strikes, which occur on the campus of universities throughout the United States in April of each year. These peace demonstrations concern themselves with many subjects which are not germane to the administration of our educational institutions and as an indication of this condition attention is directed to Exhibit No. 1, issued by the executive committee of the American Student Union of Stanford University under date, April 13, 1937, and particularly to that portion in which objection is raised to a speaker selected, on the grounds that he openly supported the so-called Spanish Fascists.

In connection with this same exhibit it will be noted that the American Student Union is conjoined with the youth section of the American

League against War and Fascism, with the American Youth Congress with the youth section of the Emergency Peace Committee, and with the War Resisters League. All of these organizations are notoriously communistic. Ostensibly the principal objective of the American Student Union is to oppose compulsory military training, but both directly and through the American Student Union's support of the American Youth Congress this student group concerns itself and attempts to exercise its influence in matters of politics, labor, religion, etc.

Exhibit No. 2 is a circular issued by the American Student Union of Berkeley opposing the anti-picketing ordinance effective in that city and which contains the statement:

The International Longshoremen's Association and the American Student Union have joined together today to picket Woolworth's outstanding on the Central Labor Council's unfair list, in order to inaugurate a campaign for the repeal of this ordinance.

The next exhibit, No. 3, is a circular issued jointly by the American Student Union and the Warehousemen's Union 38-44 of the I. L. A. It will be noted that twenty members of the union and eighteen students of the university were arrested for violation of the anti-picketing ordinance, and Exhibit No. 4 is a circular advertising the holding of a trial of fourteen of the students so arrested.

The Communist leaders of the A. S. U. were drafted into service by the Communist leaders of the Longshoremen's Association for the definite purpose of creating a more favorable public sentiment toward the latter. Viewing it, however, from the standpoint of inroads which the party has made in the student movement and ignoring the nature of the offenses for which each student was arrested, the facts nevertheless provide a specific instance of a definite tie-in between the American Student Union Movement and radical labor leaders.

A circular issued by the American Student Union on April 16, 1936, advertises an open meeting of that body to be addressed by Henry Schmidt, Communist Official of the International Longshoremen's Association, whose subject was importance of the waterfront and the anti-war fight. (Exhibit No. 5.)

Indicative further of the effectiveness of Communist Proselyting among the students of California University, there are presented two typical cases of students at the University of California at Los Angeles.

1. Nancy Bedford Jones, a former student at U. C. L. A. and a member of the erstwhile student league of Industrial Democracy was arrested in October, 1933, while speaking at a street meeting of the young people's Socialist League in Los Angeles. This young woman is the daughter of Bedford Jones, the author. Their political differences of opinion and her repudiation of her father were aired in one of our national magazines. In November, 1935, Nancy B. Jones was married at Yuma, Arizona, to Joseph P. Lash, National Secretary of the American Student Union and nationally known as a Communist. Nancy B. Jones next appeared according to "Sunday Worker" on May 16, 1937, as secretary of the United Youth Committee to aid Spanish defense, a typical illustration of the indoctrination which occurs in our institutions of learning.

2. Celeste Strack. This young woman was a former member on the debating team of the U. of C. L. A., and was suspended on October 29, 1934, by the Provost of the University because of her Communistic activities, following which she made a speaking tour of California Colleges agitating "Students' Rights." At the opening of the 1935 semester Miss Strack was reinstated, following which she was an active participant in the nation-wide Student Peace Strike set for April 12 of that year.

On or about July 1, Miss Strack was appointed a member of a committee to investigate Fascist activities in Cuba; was deported from that country shortly after her arrival and on August 17 was arrested on a charge of disorderly conduct while picketing the office of the "American Mercury Magazine" in New York city. Subsequently she was elected general organizer of California for the American Student Union. The "San Francisco Examiner" of December 30, 1935, announced her election at the Convention of the A. S. U. at Columbus, Ohio, on December 28 and 29, to the position of national secretary of the high school

section of the American Student Union. Another product of proselyting within our educational domains.

Mr. Starnes. In other words, among the activities of the American Students Youth was the active champion of the warehouse men's strike on the Pacific Coast?

Mr. Knowles. That is right.

Mr. Starnes. And later propagandizing the student bodies of the respective schools, and the people on aid to the Spanish Democracies?

Mr. Knowles. Yes, sir; also its endeavor to have the compulsory Reserve Officers Training Corps disbanded in those schools.

Mr. Starnes. Proceed.

[From the Red Network.]

#### THE AMERICAN TEACHER.—

Monthly organ of the American Federation of Teachers; Florence Curtis Hanson, Executive Editor; Advisory Editorial Board; Henry R. Linville; Charles B. Stillman, Chicago; A. D. Sheffield, Wellesley College; Ruth Gillette Hardy, New York; Selma M. Borchart, Washington; Mary C. Barker, Atlanta; Lucie W. Allen, Chicago; Editorial Office, 506 South Wabash avenue, Chicago; features radical articles and upholds the principles of its organization (See American Federation of Teachers.)

#### AMERICAN YOUTH CONGRESS, (PAGE 82.)

The American Youth Congress was not originally set up by Communists, but it was penetrated by them, as shown by the reports of its first Congress, which was held in Washington, D. C. in 1934, at its second convention, it was broken up and reorganized into a "red" front. (See pages 611 and 612, volume 1, committee hearings.)

We defeated the enemy and turned the Youth Congress into a broad united front.

While there are many non-Communist organizations in the Youth Congress, there are over a dozen Communist, Communist front, and Communist sympathizing movements in it. (Page 613, volume 1, committee hearings.) The Communists, realizing the value of such an excellent camouflage, immediately set about organizing similar congresses in other countries, and they called for a Paris International Congress. Later a World Youth Congress came into being. This embraced the same organizations which were affiliated with the American Youth Congress. Right-wing youth movements refused to attend the World Youth Congress which was held at Vassar. The organizers in the United States were leaders of Communist, Communist "front," and Communist sympathizing movements. (See pages 615, 616, and 617, volume 1, committee hearings.)

#### THE CIVIL LIBERTIES UNION.

The Committee heard testimony with reference to the Civil Liberties Union. Some witnesses listed this organization as communistic while other witnesses denied that it was communistic. We received in evidence a number of official pamphlets distributed by the Civil Liberties Union, which speak for themselves. From the evidence before us, we are not in a position to definitely state whether or not this organization can properly be classed as a Communist organization. In this connection it is interesting to note the report of the United Mine Workers filed in 1924 wherein the following was said about the Civil Liberties Union: There are 200 organizations in the United States actively engaged in or sympathetic with the Communist revolutionary movement as directed and conducted by the Communist Party of America. Some of them are local in their scope and work; other are nation-wide. Forty-five of these organizations of either "pink" or radical structure are engaged in the Communist effort to seize control of the labor unions in this country and convert them to the revolutionary movement. In virtually every instance these organizations have direct contact, through the mechanism of interlocking directorates, with the central executive committee of the Communist Party of America, or with its "legal" branch, the Workers Party of America.

Illustrative of this arrangement is the executive committee and the national committee of the American Civil Liberties Union, at New York, posing as the champion of free speech and civil liberties, but serving as a forerunner and trail blazer for the active and insidious activities of the Communist, among labor organizations. Harry F. Ward, born in London in 1873, and chancellor of

the Union Theological Seminary, is chairman of this organization. The managing director is Robert Baldwin who served a term as a draft evader in the Essex County Jail in New Jersey in 1918 and 1919.

This statement of the United Mine Workers is borne out by the evidence we have heard thus far and we strongly urge that this organization be thoroughly investigated.

Mr. Robert N. Baldwin, National Director of the Civil Liberties Union, testified before a congressional committee as follows:

The Chairman. Mr. Baldwin, does your organization uphold the right of an American citizen to advocate force and violence for the overthrow of the Government?

Mr. Baldwin. Certainly, insofar as mere advocacy is concerned.

The Chairman. Does it uphold the right of an alien in this country to urge the overthrow and advocate the overthrow of the Government by force and violence.

Mr. Baldwin. Precisely on the same basis as any citizen.

Mr. Chairman. That is not your personal opinion?

Mr. Baldwin. That is the organization's position.

#### AMERICAN FEDERATION OF TEACHERS.

Radical: stands for abolition of R. O. T. C.; recognition of Russia; full academic freedom to teach anything including Socialism. Communism or Atheism; closely allied to A. C. L. U. received financial aid from the Garland Fund, which gives only to radical agencies; monthly organ, "The American Teacher"; president Henry R. Linville, New York; secretary Florence Curtis Hanson, Chicago.

Coun. SULLIVAN—Mr. President, as the man who precipitated the investigation on which the Boston School Committee gave its report last evening, I feel grateful to the School Committee for the action they have taken, but feel they have gone only half way. I believe if the statement is not denied that Mr. Lee is definitely a Communist, actively so, having been affiliated with Communist organizations, that if that body has jurisdiction over its membership it should impeach the fifth member of the Boston School Committee. I know they have supervision over their personnel. I know George Faxon was one of the gentlemen, a member of the Boston School system who was actively engaged in the promotion of the meeting at the Perkins School one week ago for the meeting there of the Students Union and I believe certainly the members of the Boston School Committee should discipline that man for his communistic action. I don't see any reason whatsoever for a Students Union in Boston. Every facility is given to the students of the city, and there were no Students Union activities prior to the advent of Joseph C. Lee into the Boston School Committee. That gentleman has definitely and conclusively been a Red openly and actively promoting the cause of communistic activities in Boston. He was among the group in Boston who sought to let down the embargo on arms to the Spanish group, and I have here a copy of "Sign," a national publication for February, 1939, in which they said, "The individuals and organizations behind these efforts to persuade our legislators to follow this un-American course are communistic or at least communistic-inspired. Needless to say, it is to the Red Government at Barcelona that they wish the arms shipped. They are moved by the desperate straits in which the government finds itself at present." I am amazed, under the circumstances, to find Mr. Lee speaking of the brotherhood of man and his love for his fellow citizens. Only a few years ago he came out with one of the most vile statements against the descendants of the Irish race in South Boston. This is the man who has such an outstanding love of and so ardent devotion to the brotherhood of man. I was surprised this morning to read in the Boston papers where six professors of Boston colleges, Harvard and others, came out in support of the Student Union. I wonder if those gentlemen know of the activities of the Students Union? I wonder if they know of that vile publication, or if they know that they are in the company of degenerates and Red Communists? I think the six professors who composed that group this morning and who promised to promote this cause should be definitely ashamed of themselves. I have seen where Mr. Lee in a double sense is drawing a red herring

across his own trail. He stated this week when accused of being unfair to Catholic people of Boston that no man had a more ardent admiration for the Encyclicals of Pius XI and Leo XIII. Well, I have studied the Encyclicals of Pius XI and Leo XIII for eight years and the interpretations which the communistic-minded give to them are absolutely unwarranted, so in a double sense he is merely striving to draw a red herring across his own trail. Further, I believe that if this gentleman, who purports to be a Democrat, who purports to represent the democratic spirit of the people of this city, is really democratic, he should reflect the will of the Democratic people of Boston. The will of the people of Boston at this time is that Mr. Joseph C. Lee should immediately get off the Boston School Committee. If really Democratic-minded he should resign, and if he is not, in the event he does not withdraw, the Boston School Committee should immediately oust him.

The order was passed under suspension of the rule.

#### COMMENDATION OF ACTIONS OF HEAD-MASTER ROBERT B. MASTERSON.

Coun. GALVIN and SULLIVAN, offered the following:

Resolved, That the City Council of Boston hereby records its full approval and commendation of the official actions of Head Master Robert B. Masterson of the Roxbury Memorial High School, through whose vigilance and courage the attempt

of the Communists to gain a foothold in the Schools of Boston was prevented.

Referred to the Committee on Rules.

#### MONUMENT IN MEMORY OF VETERANS OF WORLD WAR.

Coun. GALVIN offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of constructing a monument to the memory of the Veterans of the World War on the plot of land located in City square, Charlestown.

Passed under suspension of the rule.

Adjourned, on motion of Coun. HUTCHINSON, at 5.15 p. m., to meet on Thursday, February 16, 1939, at 3 p. m.

NOTE.—President Murray's speech, following his election to the Presidency of the Council, on January 16, 1939, should be corrected to read as follows:

"If I may, gentlemen, I would like to take this opportunity of thanking the members of the body for selecting me as their President for the year to come, and I would also thank the Republican members who saw fit to cast their votes for me. I sincerely hope that we will all enjoy each other's company and will each and all have a successful year. (Applause.)



## CITY OF BOSTON.

## Proceedings of City Council.

Thursday, February 16, 1939.

Adjourned regular meeting of the City Council in Faneuil Hall at 4.25 p. m., President MURRAY in the chair. Absent, Coun. Agnew, Irwin and Norton.

## DOG RACING IN BOSTON GARDEN.

Coun WILSON, for the Executive Committee, submitted the following report on petition of Greyhound Racing Corporation (referred February 6) for permission to conduct dog racing at Boston Garden, recommending passage of accompanying order, viz.:

Ordered, That the consent of the City Council be hereby granted to the location and use of the land on Causeway street, known as the Boston Garden, for dog racing purposes.

The report was accepted and the order passed. Coun. SHATTUCK doubted the vote and asked for the yeas and nays.

The roll was called, and the order was passed, yeas 15, nays 2:

Yeas—Coun. Carey, Englert, Fish, Fitzgerald, Galvin, Harris, Hutchinson, Kelly, Kerrigan, Lyons, Murray, Rosenberg, Sullivan, Taylor, Wilson—15.

Nays—Coun. Langan, Shattuck—2.

## LEGISLATIVE BILLS OF INTEREST TO COUNCILORS.

Coun. ROSENBERG offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to inform the members of the City Council of all bills, pertaining to the Council, pending before the Legislature, and the date of the hearing of such bills.

Coun. ROSENBERG offered the following:

Ordered, That the legislative agent of the City of Boston be requested, through his Honor the Mayor, to contact the councilor of the district affected, with reference to any bills that might be pending before the Legislature.

The question came on the passage of the orders under suspension of the rule.

Coun. ROSENBERG—Mr. President, of course the members of the Council are particularly interested in legislation affecting the city and their districts. The legislative agent and the Corporation Counsel are in daily attendance at the State House watching matters which concern the city. I have, therefore, introduced these orders requesting the legislative agent of the city and the Corporation Counsel, through his Honor the Mayor, to contact the councilors with reference to any bills pending before the Legislature which may interest or affect our districts or the city. The object of my orders is that the members of the City Council be informed and furnished copies of bills and measures in which they might be concerned, presented for hearing before the various committees. The purpose is that no such bills shall be presented or hearings held on matters that might be detrimental to the city or to our various districts without our being informed. I think it is important that the Corporation Counsel and the legislative agent keep the members of the City Council posted on such matters, so that if any member wishes to appear when the matters are heard, he may have an opportunity to do so. The Corporation Counsel and the legislative agent are, of course, up at the State House every day and I think it is their duty, as representing the City of Boston, to safeguard the interests of the city, and this is a move in that direction. I was particularly interested in reading in the morning paper to see that a bill had been filed in the Legislature by the Eastern Massachusetts Street Railway Company for a bus line to run from Fall River into

Boston. There was a petition to that same effect, in so far as it concerns the City of Boston, presented here and rejected some time ago. I notice, however, that it had its third reading in the State House and that Representative Rouseville of Fall River stated that when the City Council of Boston rejected the petition of the road, because there was too much traffic already in the streets of Boston that would be affected, the City Council should be investigated. I wonder how Representative Rouseville of Fall River would feel, as representing that city, if there were a similar petition presented there, under which this road would operate, as they would operate here if the petition were granted, through a road which had been termed "the highway of slaughter" and "Death Valley." Speaking particularly of the route that would bring them in through Blue Hill avenue, I will say that there have been more accidents and deaths that have occurred on that avenue than on practically any street or highway of the City of Boston, and if the people of Fall River had such a condition to contend with in their city I believe they would be up in arms about it. I don't believe the City Council of the City of Boston wants Representatives outside of our city to tell us what we should do, and at this time I want to commend Representative McHugh of Jamaica Plain for speaking up in the Legislature and asking reconsideration of the passage of the bill, which I trust he may be able to have reconsidered today, stating that he does not feel that home rule should be taken away from the City of Boston. We in Boston know what is good for us. We know what is detrimental to the interests of the citizens of Boston. I might say that the Representatives in the Legislature were misled by a statement made there that the citizens of Fall River and of Taunton might not be able to get into Boston if this permit was not granted. There are bus lines coming into Boston today which are connected up with the rapid transit line in Dorchester, and they are all given an opportunity to have that service. I believe if this matter were presented to the Representatives at the State House in a proper way they would not pass that bill to a third reading, taking away home rule from Boston. I am hopeful, with the assistance of some of our Representatives at the State House, particularly with the assistance of one of our own members here, Senator Kerrigan, who will undoubtedly be able to use his efforts with his fellow Senators, that a fair hearing will be had and home rule for the City of Boston will be maintained. I believe also that, by the passage of these orders, other measures affecting our city and our districts may be brought to our attention, so that when hearings are held upon them we will be able to appear and state our position; that the Corporation Counsel and the legislative agent will use their good offices to protect the interests of our city in this respect, so that we may be able as members of the Council to appear before committees of the House or Senate and state our feelings for or against measures that are presented. I feel that the passage of this order will aid the citizens of Boston.

The orders were passed under suspension of the rule.

ACCEPTANCE OF SANDERSON PLACE,  
WARD 22.

Coun. SULLIVAN offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out as a public highway, Sanderson place, Ward 22.

Passed under suspension of the rule.

PAINTING OF CROSSWALKS ARBORWAY  
AND CENTRE STREET.

Coun. LANGAN offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to paint crosswalks for pedestrians at the traffic circle at the junction of the Arborway and Centre street, Ward 19.

Coun. LANGAN—Mr. President, two weeks ago I introduced an order into the Council asking that his Honor the Mayor direct the Traffic Commissioner to establish traffic lights at the junction of

Centre street and the Arborway, what is probably known as "The Circle." The Traffic Commissioner informed me that his appropriation would not permit of such installation at that point. I feel, however, so great is the danger to pedestrians at that point that some action is necessary in order to protect life and limb. Consequently, I have introduced this order for the purpose of securing some safety for the district.

The order was passed under suspension of the rule.

#### THE NEXT MEETING.

It was voted, on motion of Coun. TAYLOR, that when the Council adjourns it he to meet on Monday, February 27, 1939 at 2 p. m.

#### DIVISION OF CITIZENSHIP IN EDUCATION DEPARTMENT.

Coun. WILSON offered the following:

Resolved, That the City Council of Boston hereby favors the enactment of legislation establishing a Division of Citizenship in the Department of Education, as recommended by House Document 2100 of 1938, and as set forth in House Bill 1934 of 1939; and that the Clerk of the Massachusetts House of Representatives be so notified.

Passed under suspension of the rule.

#### USE OF ASHMONT TERMINAL.

Coun. WILSON offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to advise the City Council the total number of persons entering and/or leaving the Ashmont Terminal during the year 1938, so far as such information is available.

Coun. WILSON—Mr. President, I might say with reference to that order that we passed an order requesting the trustees of the Boston Elevated Railway Company to install an escalator at the Ashmont Terminal, which is the recognized center of the Dorchester district, to which the trustees replied that they had similar requests from various sections of the city which, if carried through, would involve a total expenditure of more than one and one-quarter million dollars which the trustees did not feel would be justified; also stating that the number of people entering the Ashmont Terminal during the maximum hour is only 2,054, and the cost of installing an escalator at that station is estimated at \$46,000. I still do not think that was a fair response of the Elevated to the order, and I still think that is one point where an escalator should be provided. I don't think it is fair to give us the number of persons entering the station at any given hour as indicating the traffic at that point. Therefore, I ask the passage of this order.

The order was passed under suspension of the rule.

#### WARD 17 PLEBISCITE ON LIQUOR QUESTION.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to arrange for a plebiscite in Ward 17, Dorchester, which shall permit the registered voters in each of the twenty precincts in said ward, at the city election in November, 1939, to vote "Yes" or "No" in answer to each of the following three questions:

1. Do you favor the sale of all alcoholic beverages (whiskey, rum, gin, beer and wine) in the precinct in which you live?
2. Do you favor the sale of wines, beer and ale in the precinct in which you live?
3. Do you favor the sale of bottled alcoholic beverages, not to be drunk on the premises, in the precinct in which you live?

Coun. WILSON—Mr. President, I have heard it suggested that this particular order might cause some embarrassment to the Mayor. I want to say that I have no such intention, that it is farthest from my thought. I consider the liquor question a far greater moral issue than dog racing or horse racing. The pari-mutuel betting evil is of recent vintage, and temporary; the question of taverns and bar rooms in residential communities has been

with us for generations. Just as his Honor the Mayor sought guidance as to local sentiment on the dog racing issue in Readville, I am very certain that the Licensing Board will be very glad to have some direct light on the liquor question in central Dorchester, with a referendum worded fairly enough to permit the voters to express their opinion of bar rooms in their own immediate neighborhood. Very frankly, I do not believe that the referendum as carried on the ballots at the state election is a fair one for those residential sections of the city. The average man or woman who personally is absolutely against liquor is inclined to vote "Yes" on the referendum question, in order that the situation in cafes, hotels and places of entertainment may not be such that we will be a dry city, and many of them, after voting "Yes," find themselves in the position of having innumerable taverns and bar rooms placed in the residential sections, in their neighborhoods. Then, when clergymen, representatives of civic associations and others go to the Licensing Board to protest against having these places in their home districts, they are met with the very logical response that their ward voted four, three or two to one "Yes" on the liquor question, and to that extent they are stopped in their argument. I can remember the days before prohibition, when the taverns or bar rooms nearest the center of Dorchester were no further out than Fields Corner or Grove Hall. But we now have taverns all through the Dorchester district. From the door of a tavern across the way you can throw a stone to the white church in Codman square, which was built so long ago that the bell in the belfry is a product of Paul Revere. I believe that people in the residential sections of Dorchester should be given full opportunity to state whether or not there should be sales of alcoholic beverages in their neighborhood. The recent plebiscite carried on in three precincts of Hyde Park on the dog racing question, while it may have involved a moral question, in my opinion was no such moral question as this old perennial question of the sale of alcoholic liquor, especially in the residential wards of the city. It has been stated that the plebiscite in the three precincts of Hyde Park as it was carried on was not an expensive experiment. The plebiscite I ask for will not cost one single penny, because I am asking that it be placed on the ballot at the city election held in November of the present year. I believe it is a matter in which the people of my district are vitally interested, and that if it is proposed to trust more taverns and bar rooms into that home community, the people should be able to go to the Licensing Board and say that "In a plebiscite in our ward there was an overwhelming vote against taverns or bar rooms in that part of Dorchester." I think this is a fair suggestion that the Mayor should be urged to follow, and I believe other neighborhoods would like a similar ballot in an off-year election, such as that to be held in November of the current year.

The order was passed under suspension of the rule.

#### PARKING UNDERNEATH SOUTH STATION.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to suggest to the State Public Utilities Commission and the officials of the New York, New Haven and Hartford Railroad, a possible mercantile use of the vast unused basement area under the South Station for parking facilities, as one means of additional revenue, rather than permit abandonment of the eighty-eight stations and sixty-six trains on the Old Colony Division.

Coun. WILSON—Mr. President, in introducing this order I have in mind the vast unused basement area under the South Station and adjacent property, reached by at least two existing ramps or runways from Summer street and Atlantic avenue. We have heard recently also of a traffic proposal favored by the Chamber of Commerce, to prohibit parking in downtown Boston before ten o'clock in the morning. Congestion on our downtown streets has for a long time been a matter of grave concern. There have been suggestions made in the past, for instance, that there be vast parking space under Boston Common. Such parking space as is suggested in this order would, I submit, on information that I believe to be reliable, provide for the parking of hundreds if not thousands of vehicles in the space available under the South

Station, and I believe that the carrying out of such a plan might meet with the approval of the owners of that property, especially if they are in such financial straits that they are to abandon the Old Colony Division line of the railroad.

The order was passed under suspension of the rule.

#### NURSES AT CITY HOSPITAL.

Coun. WILSON offered the following:

Ordered, That the City Council Committee on Hospitals, prior to any passage of the budget for the year 1939, investigate (a) the need of additional nurses at the Boston City Hospital and (b) present living conditions, hours of labor, and service requirements of student nurses at the hospital.

Coun. WILSON—Mr. President, I urge upon you and the other members of the City Council that this particular order is, in my opinion, aimed at a very serious situation at the Boston City Hospital. Some years ago, back in 1928, instigated by former Councilor McMahon, there was an investigation of the City Hospital by a committee of which Councilor Fitzgerald of Ward 3 was chairman, and at that time, in spite of a good deal of criticism, much good was accomplished. I do not believe there is any medical man in the City of Boston or any employee of the Boston City Hospital but will privately agree that many of the reforms suggested by that committee were good for the hospital and have since been carried out—even such items as push buttons at every bed, the taking in of warm food in the food wagons, which they told us could not be done, and more especially the increased number of nurses in the past ten or eleven years. But, despite the improvements made as the result of that investigation, the hospital has outgrown its personnel. We heard the councilor from Ward 14 (Coun. Rosenberg) tell us at the last meeting the story of the woman who was burned by acid, as I remember it, and might well have died because of red tape and lack of treatment at the Boston City Hospital. I understand that a woman relative or member of the family of another member of the City Council, who was seriously cut, almost bled to death while they were asking the story of her life before giving her attention. There is too much archaic red tape when it comes to handling accident cases, too much inquiry about the life of the patient and how the accident happened, and not enough immediate first aid. That, however, may be something of an aside. The thing I am immediately concerned with at the present time is the number of nurses in the City Hospital which I consider inadequate, and the living conditions and working hours of the student nurses at the hospital, treatment which apparently may be compared, in my opinion, with that in the average sweat shop in the South. I understand, as an example of the impossible conditions under which the girls are working, that a maternity ward containing thirty-six mothers and forty babies was in charge of two student nurses last week. I understand also that among the student nurses there are at least six who, because of overwork, long hours and other conditions, have tuberculosis at the present time. I understand also that there is one girl student nurse at the City Hospital who, after working there less than six months, following a careful examination upon her entrance, contracted such a severe attack of tuberculosis that she had to be put to bed and lie on her back, that one of her lungs has to be collapsed and she must remain in a hospital bed for at least a year. It appears that she had tuberculosis for at least three months, during which time she was actively at work in the hospital with newly-born babies and mothers. That situation, to my mind, is entirely the result of the living quarters in the City Hospital and the hours the girls are forced to work because the hospital, by reason of its expansion, is grossly undermanned. I believe if the Committee on Hospitals makes a fair investigation and if the head nurses and officials of the hospital are summoned and open up and tell the truth, and if Doctor Manary is forced to state the facts, it will be admitted that the reason for this sort of thing is the expense that would be involved in remedying conditions. I believe the head nurses at the City Hospital and the superintendent will admit that they have not nearly enough nurses in the hospital to deal fairly either with the public or the student nurses themselves. When I say that there are at least six girls—and I believe I am correct in the statement—studying to become nurses who have

contracted tuberculosis at the present time, I know it must be because of working conditions at the hospital, because, if I am correctly informed, those nurses are only taken into the hospital after the most extended and careful physical examination, which means that they must at that time be in first-class physical condition, or they would not be allowed to enter the hospital in the first place. When a girl is admitted under such conditions, presumably in good health and of athletic ability, and within a period of six months is condemned to lie in a hospital bed for a year and have her lung collapsed to make an attempt to cure her, it is because of long hours and hard working conditions that should be remedied. I believe this is something that should be given immediate attention by the Hospital Committee. Millions are spent upon our hospital, which, as far as equipment and medical attendance are concerned, stands second to none in America. It is manned by the best medical men in the country, but is apparently undermanned as far as nurses are concerned. It certainly is not fair to citizens of Boston, whether paying or charity patients, or to these young girls who are taking up a life career as nurses, expecting some day to be registered nurses, to allow these living and working conditions to continue, conditions to which a serf in Russia would not have been subjected.

The order was passed under suspension of the rule.

#### AIR COMPRESSION HAMMERING, HUNTINGTON AVENUE SUBWAY WORK.

Coun. CHASE offered the following:

Ordered, That the Boston Transit Commission be requested, through his Honor the Mayor, to make arrangements to have all air compression hammering on the W. P. A. subway project on Huntington avenue to cease at 10 p. m.

Passed under suspension of the rule.

#### NUMBER OF CITIZENS AND ALIENS IN BOSTON.

Coun. CHASE offered the following:

Ordered, That the Boston Statistical Department be requested, through his Honor the Mayor, to secure and submit to the City Council the total population of the total number of citizens and the total number of aliens residing in the City of Boston.

Coun. CHASE—Mr. President, my purpose in introducing this order is merely for the purpose of enlightening the public to the extent that, although the communistic candidate for Governor only received one fifth of one per cent in last year's election, the main source of the spread of communism is not confined to a small group of declared voters. I exceedingly regret that I have not been able to secure the latest statistics relative to the question in issue, but I have some figures of the census taken in 1930. In Massachusetts, in 1930, we had a total population of 4,249,614. In 1930 we had a total population of aliens of 41,602 and also an additional 24,674 more people who are unknown. Gentlemen, that is almost half a million people in the State of Massachusetts who are not citizens, almost half a million people who have not taken the oath to uphold the Constitution of the United States. When one stops to consider that in 1930 almost one out of nine persons in Massachusetts were not citizens, were not persons who were sworn to uphold the Constitution, we can readily appreciate the grave possibilities of what some of these aliens can do in the spread of the doctrine of communism. Communism is a foreign doctrine, an alien doctrine which belongs in Russia. In order to prevent some persons from distorting what I have said, I wish to state that there is no doubt that most of the aliens in Massachusetts are law-abiding, honest individuals and would make excellent citizens. Nevertheless, we are faced with half a million people who have not sworn to uphold the Constitution of the United States. How do we know but that we have 50,000 or 100,000 alien Reds in Massachusetts? Communists believe in obtaining their goal either by lawful or unlawful means. They spread the doctrine of hate, immorality and murder. They are a foul group. I was asked the question today, "Why has the Council raised the issue of communism?" I raised the issue

of communism long before the public school situation. I raised it because of the malicious unwarranted attacks that the reds made on some members of this body in order to sandbag the consideration of the housing proposition. I raised it because they not only —

Coun. ROSENBERG—Will the speaker yield to a question?

Coun. CHASE—I do not yield at present. I raise it because they not only insulted and threatened me, but also because they abused my wife on the telephone. I will continue to raise the issue irrespective of what criticism is offered of my actions, the communistic endeavor to prevent me from carrying out my sworn duty as councilor. They endeavored to prevent me from giving proper consideration to a matter which was before this body some three months ago. I raised the issue three months ago, and I raised it properly. If communism is no threat, why did Congress vote to continue the Dies investigation by a vote of 344 to 35? By that vote they agreed to spend over \$100,000 of the taxpayers' money to continue to investigate the radical activities in the United States. If communism is an idle threat, why is practically every honest and righteous clergyman against it? Not so long ago the premier of France had to lead the militia out to block a nation-wide strike in France which was led and financed by communist leaders and money. Not so long ago an important city in California was crippled by a strike led by the communistic leader Bridges—an alien. Some of the most able and intelligent men in the United States have urged the people of the United States to be on their guard to protect their liberties from the red menace. Only today I read in a Boston daily "Barrows Sees Peril by Reds. Maine Governor Warns of Spread of Communism." The article reads:

"American liberty stands in jeopardy as long as un-American groups are allowed to carry on programs of prejudice and parlance," Governor Lewis O. Barrows of Maine declared yesterday at the Boston Rotary Club luncheon at the Hotel Statler.

"There is no denying the fact that communistic propaganda is making headway in our nation today," Governor Barrows said. "Much of a startling nature has been brought to light through investigations conducted by Federal and independent institutions.

"When we read in the press the statement that if the Russian-Soviet government had a million soldiers under arms in the United States, communistic propaganda could not make greater headway than is the case today, we are given food for serious thought," he stated.

"Today we, as Americans, face the hidden foe of Americanism—hodies opposed to our ideals and our principles of democracy—the democracy upon which our nation was founded," he said. The Governor praised the American Legion program to check destructive forces.

"The liberty of our people stands in jeopardy as long as these un-American groups are allowed to carry on their programs of prejudice and parlance," he asserted. "Restricting our interests and endeavors to a simple form of preaching to the multitudes may avail but little, but through a concerted movement initiated by groups upon which we can rely, the Americanism we seek to guard is given the safety that present day unrest demands."

Mr. President, I note with interest in the city of Cambridge the City Council delayed action on the acceptance of the Federal Housing program not so long ago for a long period of about ten weeks and it was a matter in which there was involved about \$4,000,000. I, Mr. President, and members of this Honorable Body, was subjected to undue criticism by a very radical element in the city because we endeavored to carry out our sworn duties as councilors. We endeavored to give proper consideration to a matter which involved a tremendous proposition of \$17,000,000, a matter which involved tearing down of a lot of homes and driving out of certain sections many people who did not care to move under any circumstances. Mr. President, I contend that such criticism as has been offered recently is the most unfair criticism that I could possibly conceive of any American aiming at the duly elected officials of the city who are endeavoring to do their duty as they see best.

The order was passed under suspension of the rule.

Adjourned at 5.10 p. m., on motion of Coun. KERRIGAN, to meet on Monday, February 27, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, February 20, 1939.

Special meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair, and all the members present, except Coun. Fish and Shattuck.

The clerk read the call for the meeting as follows:

A special meeting of the City Council is called for Monday, February 20, 1939, to consider the matter of additional nurses for the City Hospital and such other matters as may come before the Council. Time, 2 p. m.

GEORGE A. MURRAY, President.

Placed on file.

## ELECTION OF GEORGE F. McMAHON.

Certification was received from Board of Election Commissioners of election of George F. McMahon, of 5 Clifton street, at election held in Ward 8 on February 14, 1939, for vacancy for unexpired term.

City of Boston,

City Clerk's Office, February 18, 1939.

To the City Council.

Gentlemen,—You are notified that George F. McMahon, having been duly elected to be a member of the City Council from Ward 8, to fill a vacancy, this day appeared and took the prescribed oaths of office as such member.

Before me,

W. J. DOYLE, City Clerk.

Severally placed on file.

Coun. McMahon of Ward 8 having taken his seat in the Body, President MURRAY said:

The Chair wishes to state that he hopes Councilor McMahon will, as a member of the Body, enjoy a successful and pleasant term of office.

## SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for month of February.

Report accepted; said order passed.

## IMMEDIATE ACTION ON DOG RACING PERMIT.

Coun. IRWIN offered the following:

Resolved, That in the opinion of the City Council the order passed February 16, 1939, granting consent to the use of the Boston Garden for dog racing purposes is a matter which will not admit of delay, and it so declares. The Mayor having notified the Council of his absence from the city from February 16 to March 2, 1938, it is therefore

Ordered, That the City Clerk be hereby directed to officially present the said order to the Acting Mayor for such action as he may deem proper to take.

The resolution and order were referred to the Executive Committee.

## STATEMENT BY COUNCILOR FITZGERALD

Coun. FITZGERALD—Mr. President, I want to state, representing the ward where this Garden is located, that for the period of at least two weeks, while this matter has been pending before the City Council, I have endeavored by every possible means to ascertain the sentiment of the people of the district, what they thought of having the dog races in the Boston Garden, in view of what took place in the Readville section and, from every standpoint, every source from which I could gather information, I have found out that there

was no real opposition to dog racing in the Garden. As the members of the Council well know, I insisted that we have a public hearing, although, as stated by Chairman Wilson of the Executive Committee, we were under no obligation to do so. At that meeting there were three or four people who objected to dogs in the Boston Garden. I think every member of the Council who heard the evidence offered by those people realized that they had an ulterior motive, and since that hearing there have been statements brought out in the Boston papers indicating that some of the people referred to as being opposed to a dog track in the Garden were misrepresented. After we had last Thursday's hearing I waited last Saturday morning on one of the priests, who was represented as being against the dog racing, and he stated to me that he authorized no one to speak for him at that hearing. I read in the Boston papers this morning that he had expressed a different opinion, and I waited on him again this morning, accompanied by a distinguished citizen of the district, who attends services in that church, and asked him what he thought about dog racing being allowed in the Garden. He told me that his position was as he had stated it to me originally, that he had no objection to the racing in itself, but was opposed to gambling in any form. I also read in the paper that another clergyman of the district had stated that he was against the dog racing, and I asked him whether that expressed his attitude. He said "No." I asked him if he had instructed his parishioners last November to vote against dog and horse races, and he said that he did not. He also said that the only reason why he opposed dogs was because of the influence it might have on children. Another clergyman with whom I got in contact, and who has been represented as being against dog racing, stated that he was not opposed to dog racing, but to gambling, and that he did not want to see it in the North End. Well, it is not going to be in the North End, but the West End. In fact, the nearest church of any is in Charlestown. There are some nine Roman Catholic churches in the district, and there have been attempts to approach some of the clergymen. One of them admitted that he had been approached, but it appears that it was by a man who had worked for the passage of the dog race track at the last election, that he had an ulterior motive, being employed by the Revere dog track interests. After the hearing the clergyman said that he would drop it, wouldn't think of opposing it any longer. The fact is that these Revere dog track men want to have a monopoly, and that is the reason for the opposition to the track in the Garden. As a matter of fact, the Garden was built for sports. It is surrounded by the railroad property and by mercantile buildings. There are no inhabitants within ten or fifteen minutes. I don't speak of my knowledge of that district in any spirit of boasting, but, as a matter of fact, I represent the district and I have been thoroughly familiar with it all my life. That section has for years been the scene of sporting activities, in fact, since the days when the American Colonies were established. In the old days prize fights were conducted within the confines of the ward, and it has been a center of sports of every kind. I was born there and I know all about the history of the ward. Some of the great men in sports in the history of the country have come from that old district. Most of this opposition has been started by those who are paid to prevent a license for a dog track being given to the Garden, and they have simply stirred up innocent people to carry it on. We have been informed that the district will be flooded with "hookies" seeking small bets from children, that sort of thing. These are not my words, but are quoted from what appeared in the *Herald* this morning. We are beginning now to hear this kind of talk, which is circulated for a purpose, but we did not hear it earlier when the campaign was on. Of course, betting cannot be stopped, but no doubt minors can be prevented from going in to the races. I certainly do not approve of anything illegal, but we must remember that this dog racing question has been voted on, to test the sentiment of the people, and when you have a vote of ten to one it would seem to pretty thoroughly indicate the sentiment of the people. Every priest I have talked with does not object to dog racing in itself, but wishes to have the children protected and, of course, we can all understand that. Naturally, there must be some protection afforded through the way in which it is carried on. When you have such an over-

whelming vote at an election, however, in favor of the racing, it seems to me that that must be our guide, and that it cannot be overturned at somebody's whim. All the people had an opportunity to express their sentiments at the last election, and not one of those that I know of who stood up here raised their voices at that time. Apparently they then advocated and voted for dog races, and now they come in here and object. The most startling thing of all is this. This appeared in the Boston *Daily Record* last evening:

"While on the subject of dogs and Eddie O'Hare, the latter arrived in town the other day and he tells me there'll be no other tracks than the ones that now have licenses running at Dighton.

"As I understand it, the people of Dighton voted to permit only the licenses that were already in operation at Dighton to continue the operating of dog racing there at the last election," O'Hare said, in denying reports and applications that have been filed for the conducting of additional meetings at the Taunton dog track."

Here is a man who always has inside information in racing here or in Chicago, and he is going to dictate to the people of Boston in regard to this matter. I think it is a subject for the District Attorney of this county, and that it should be investigated. If it is not virtually a conspiracy I don't know what it is. I feel very sure that if this were New York, with that tireless prosecuting attorney, Dewey, and with that other gallant man who is Governor now, Lehman, this would not go on. It certainly looks like conspiracy when these people come in here in this way. It is a monopoly. I voted for the act, and I have not changed my position one iota.

#### SUBMISSION OF SUBVERSIVE PROPAGANDA.

Coun. CHASE offered the following:

Ordered, That the Boston Police Commissioner be requested, through his Honor the Mayor, to submit to the City Council all of the subversive propaganda, such as newspapers, magazines and other material, which they have secured in the course of their investigations of radical activities.

Coun. CHASE—Mr. President and members of the Council, there has been a great deal of insidious and subversive Red propaganda in newspapers, magazines and other news-spreading agencies, throughout this and other communities of the United States for some time, and as chairman of the Appropriations Committee I wish to have in my possession and in the possession of the committee as much of such material as possible, for investigation. I think we should have all the information possible in regard to such propaganda, and that I am justified in attempting to get it, as chairman of the Appropriations Committee. I know that the City of Boston is spending approximately \$4,000 a year for the salaries of two police officers who confine their activities to this Red movement in our midst. I have here some of that Red propaganda, circulated about Boston and the United States. Here is a magazine, the *Moscow News*, the Lenin anniversary issue, printed in Russia, in English, a very beautifully gotten-up publication, selling for from 20 to 25 cents. Here is another similar Red publication, printed in English in Russia, obviously propaganda and intended for circulation throughout our country. This is sold for 5 cents. What is the purpose of this sort of thing? Mr. Chairman, I was made the victim of abuse of the Communists in this community because of my action on the housing proposition which involved an expenditure of \$17,000,000 three months ago. They attempted to intimidate me, but they were unable to do so, and I shall continue to fight. I am not afraid of these people, no matter who they may be.

The order was passed under suspension of the rule.

#### WORK DONE BY EDWARD P. CASSELL.

Coun. CHASE offered the following:

Ordered, That his Honor the Mayor submit a report to the City Council containing therein a clear and accurate account of the amount of work and duties that Edward P. Cassell, real estate expert for the City of Boston, performed for the tremendous fees that he receives.

Coun. CHASE—Mr. President, I am prompted to introduce that order because of some information which has been given to me relative to Mr. Cassell. I have been told—I don't know how true it may be—that this gentleman is not entitled to the vast amounts of money he has received from the City of Boston in the past four years as a real estate expert. I have been informed that last year that man received \$75,000, while the Mayor of Boston receives only \$20,000. If it is true that Mr. Cassell received \$75,000 for his real estate work, I believe it is a matter upon which the citizens of Boston should be enlightened, and especially a matter upon which the City Council should be informed, because we as a body have the power to appropriate money for payment for such services. I hope, therefore, that his Honor the Mayor will give us a complete report on what this man does.

The order was passed under suspension of the rule.

#### OWNERS OF PROPERTIES TAKEN BY BOSTON HOUSING AUTHORITY.

Coun. CHASE offered the following:

Ordered, That the Boston Housing Authority submit a list of all the names of the legal title owners and a list of all the mortgagees of properties to be taken in the areas where the four new housing projects are to be erected; and be it further

Ordered, That the dates of acquisition by these title owners and mortgagees be also listed.

Coun. CHASE—Mr. President, I am proud to offer that order because of the fact that it is in line with the position I took awhile ago on the \$17,000,000 housing proposition. I have in mind that in the past the City of Boston has seen a number of these activities from which land speculators and others have profited. We have seen the dog track projects, the housing proposition, which have meant a large profit to private individuals. I think if the information for which I have asked here is produced, the City Council will be very much enlightened as to who will benefit by these new housing projects. Is the benefit going to the title owners? Is it going to the mortgagees? Is it going to the speculators? I am sure that the great body of the people of Boston will not benefit, those on W. P. A. will not benefit, those on relief will not benefit, those obtaining old age assistance will not benefit. Who will benefit? Let us try to find out. We know that the poor people will not benefit.

The order was passed under suspension of the rule.

#### W. P. A. WORK IN COUNCIL CHAMBER.

Coun. WILSON offered the following:

Ordered, That the Public Buildings Commissioner, through the Acting Mayor, be respectfully requested to advise the City Council as to the approximate date on which it is contemplated W. P. A. work will start in the Council Chamber on the fourth floor at City Hall.

Coun. WILSON—Mr. President, this order may be a little late because I was informed from some source this morning that some workmen were actually seen making their way into the old Council Chamber after fourteen months. So perhaps the work has been started today. I hope so, at least, because we were advised a month ago that the W. P. A. project had been approved and that the work would start at once.

The order was passed under suspension of the rule.

#### INFORMATION RE TAX TITLE PROPERTIES.

Coun. WILSON offered the following:

Ordered, That the Public Buildings Commissioner, through the Acting Mayor, be requested promptly to advise the City Council in detail:

1. The total number of tax title properties now in the custody and control of the city.
2. The total annual assessed value of the same.
3. The total amount owed to the city on said properties, including unpaid taxes, interest and accrued costs.
4. The number of tax title properties sold by the city in each of the calendar years 1933 to 1938, inclusive.

5. The total amount realized on the sale of tax title properties by the city in each of the calendar years 1933 to 1938, inclusive

6. The number of tax title properties now leased or rented by the city

7. The total number of such properties now being officially used by the city for city purposes.

8. The total amount of rental from tax title properties received by the city during 1938.

9. The number of tax title properties sold by the city during the first two months of 1939.

10. The total amount realized from all sales of tax title property sold by the city during the first two months of 1939.

11. Whether an up-to-date and complete list of all tax title properties now owned by the city, giving the location, the number of square feet, the assessed value and accrued taxes, interest and costs for each parcel, is now readily available in the office of the commissioner for inspection by prospective purchasers and others?

12. Whether signs are now posted conspicuously on each parcel of tax title property stating that the same is city property and for sale?

Coun. WILSON—Mr. President, in reference to that order, just read in expurgated form, it relates to tax title property. You are aware of the fact that until the passage of a certain statute the city put various pieces of this tax title property through the Land Court and that they were in the custody of the Public Buildings Commissioner subject to the approval of the Mayor and the City Council. A report has been issued by some real estate organization to the effect that the Council moved so slowly in this matter that a change was made. Any statement to that effect is without any foundation in fact. The reason for moving slowly was because the City Council was unable to obtain from the Public Buildings Commissioner, without blasting, any information of value in regard to the property, how much money was due the city, or other information which we should have. As a result there was introduced and put through the Legislature last year a bill taking from the City Council any voice whatever in the disposal of these tax title properties. I understand that the councilor from Ward 3 (Coun. Fitzgerald) has filed a petition to amend the bill and return to the elected officials of the people a voice in the disposal of these properties. I say it was an absolute outrage that any such bill was smuggled through the Legislature furtively, without notice to the City Council, and I feel that some action should be taken to remedy the situation, to remove the anchor that is holding action back. As a matter of fact, the properties are moving just as slowly as they ever moved, and I trust that action will be facilitated if power is restored to the directors of the city, where it belongs.

The order was passed under suspension of the rule.

INFORMATION RE CITY HOSPITAL NURSES.

Coun. WILSON offered the following:

Ordered, That the trustees of the Boston City Hospital, through the Acting Mayor, at once advise the City Council:

1. The number of patients at the City Hospital:
  - (a) Now.
  - (b) On February 29 1938.
  - (c) On February 20, 1937.
2. The number of graduate nurses at the City Hospital on active duty:
  - (a) Now.
  - (b) On February 20, 1938.
  - (c) On February 20, 1937.
3. The number of student nurses at the City Hospital on active duty:
  - (a) Now.
  - (b) February 20, 1938.
  - (c) February 20, 1937.
4. In the Maternity Ward at the present time:
  - (a) The number of mothers.
  - (b) The number of babies.
  - (c) The number of graduate nurses actively on day duty at one time.
  - (d) The number of student nurses actively on day duty at one time.
  - (e) The number of graduate nurses actively on night duty at one time.
  - (f) The number of student nurses actively on night duty at one time.

5. (a) The number of surgical cases now at the Boston City Hospital.

(b) The number of graduate nurses now on active day duty on surgical cases.

(c) The number of graduate nurses on active night duty on surgical cases.

(d) The number of student nurses on active day duty for surgical cases.

(e) The number of student nurses on active night duty for surgical cases.

6. The present schedule of working hours for nurses at the Boston City Hospital.

7. The number of nurses now out sick.

8. The number of nurses reported sick at the hospital since November 1, 1938.

9. For exactly what reason was the mattress of a student nurse at the hospital burned or otherwise destroyed since Thursday of last week?

10. For what reason was a student nurse transferred from the Boston City Hospital to the hospital on River street, Mattapan, on last Saturday morning after medical advice had been given on Friday that because of the seriousness of her condition she should not be moved for at least a week?

11. Are student nurses sent from the City Hospital to the River street hospital when in a run-down condition unless they have tuberculosis?

12. Is there a thorough physical examination of each and every nurse before her official admission to the Boston City Hospital?

13. What systematic precautions, if any, are taken at the Boston City Hospital to be constantly assured that no nurses have contracted tuberculosis or any other communicable disease?

14. (a) Is there any official periodic physical examination of each and every nurse at the Boston City Hospital during the year, and if so,

(b) How frequently, and

(c) Are records of such examination kept on file?

15. Exactly and in detail, what if any provision is made for a City Hospital nurse who contracts tuberculosis while in the service of the Boston City Hospital?

16. What are the peak season months at the Boston City Hospital?

17. Are the present living quarters for the nurses wholly adequate?

18. How many additional nurses have been requested in the original budget estimate of the Boston City Hospital Trustees for the year 1939?

19. How many additional nurses have been requested since the original budget estimates for 1939 were forwarded from the City Hospital to City Hall?

20. How many additional nurses are required at the City Hospital to assure such sufficient nursing personnel "to reduce the working hours of the nursing personnel so that individuals concerned can give more adequate care to the patients"?

21. Has the Superintendent of Nurses given any intimation of a refusal to accept further responsibility for the situation if additional nurses are not provided for the hospital?

22. For how long a period of time has the matter of sufficient nursing personnel caused concern to the trustees of the Boston City Hospital?

23. Just what alterations or changes are contemplated in the proposed W. P. A. project to reconstruct buildings at the hospital to afford more living space to house nurses?

24. Whether on the night of February 19, 1939, between the hours of 5 p. m. and 8 p. m., only one ambulance was available for the entire City of Boston in the Main Department at the Boston City Hospital due to the fact that only one male nurse was available for ambulance duty?

25. Whether on the night of February 19, 1939, between the hours of 8 p. m. and 12 p. m., only two ambulances were available for the entire City of Boston in the Main Department at the Boston City Hospital due to the fact that only two male nurses were available for ambulance duty?

26. Whether, when the new Surgical Building was opened to provide 300 new beds, a total of at least 125 old beds were discontinued due to the closing of Wards B, C and D?

27. Whether private patients recommended by medical men on the staff of the City Hospital are assigned to services as directed by those physicians in preference to charity patients?

28. Whether incident to the recent Finance Commission investigation of the Boston City Hospital, a report of which is contained in the

February 11, 1939, issue of the *City Record*, the hospital authorities admitted that they had knowledge of shocking conditions brought to their attention, but had been unable to remedy the same?

29. Whether private detective reports were submitted to a trustee of the Boston City Hospital in the presence of the superintendent in December, 1937, or January, 1938, giving conclusive evidence of wholesale thefts from the Boston City Hospital?

30. As of February 20, 1939: (a) How many private patients are at the Boston City Hospital, and (b) How many patients not private?

Coun. WILSON—Mr. President, I have pounded here a long list of questions to be submitted to the trustees of the City Hospital, questions which are self-explanatory and which I see no reason why the trustees cannot promptly answer. I am familiar with the fact that there has been received by the President of the City Council today the following telegram:

"This time of the year is the peak load of the hospital. We are overcrowded with sick people of every nature in every department. All possible care must be given them. It means that every member must be at his post and cannot attend hearings until this grave emergency is passed. In the interests solely of the patients of the hospital we urgently request that you suspend the proposed hearing for a few weeks, at which time the trustees and the superintendent and anyone else you desire to talk with will be glad to meet you."

JOSEPH P. MANNING."

Now, I have the highest regard for Mr. Manning personally, and realize the difficulties under which the other trustees of the hospital are constantly working; but, of course, the fact that it is an emergency is the reason why we are assembled today in this meeting. It is because it is an emergency that the situation should be rectified—not after some weeks, when the peak has been passed, but while the peak is at its crest. That is why we are here today, and why I feel that the chairman of the City Hospital Trustees, even if he is busy, should have taken a few moments off, coming here in a taxicab if necessary, on a question of such grave concern. I notice the phrase that "every member must be at his post and cannot attend hearings until this grave emergency is past." The trouble is that there is insufficient personnel now at the Boston City Hospital to man the posts in this time of great emergency. That is why we are here today, and I am more disappointed to feel that, since this is an emergency, and when it is at its peak, we cannot have before us the Superintendent of the City Hospital for a few moments this afternoon, in an emergency, when we are endeavoring to protect the city and protect the personnel of the City Hospital. I had hoped that he would be here and, since he considers the present situation a matter of grave concern, that he might take steps to supply at least a minimum of the nurses needed in such a peak period of that institution. But he unfortunately thinks that he cannot be here because "every member must be at his post and cannot attend hearings until this grave emergency is passed." Unfortunately, it seems, he could not be here. But when we telephone the hospital we find in many instances that the officials are not at their posts. I desire this order sent to the Executive Committee, Mr. Chairman, where it can be considered, and where I would like to have the mother of one of the nurses at the City Hospital address the committee. She is here today at her own request and is entitled to be heard. There will be others heard, I assume, by the Hospital Committee of the City Council. I have before me a letter from a prominent doctor in the city whose name, for obvious reasons, I will not give at this time, although that is not at his request:

"February 17, 1939.

"I read with great interest comments with reference to inadequacy of nurses in the Boston City Hospital which are attributed to you in this morning's *Herald*. As a former member of the staff of the hospital, with a long connection with the institution, I know that the nursing staff has never been adequate in the last twenty years. Equally important in the interest of the sick poor of the city is the fact that the care of the patients is being relegated to a position secondary to the teaching of medical students on the medical side of the institution, a fact which is not generally known, since not readily understood by the tax-

payers of Boston. I would be glad to talk with you in reference to these matters in the event you are interested in them."

That letter is from a former member of the staff of the Boston City Hospital, a man active at the hospital for many years, a man who you have my assurance is one of the leading members of the medical profession locally, and I think that is a grave statement. The thing, however, that primarily bothers me today is the requirement of immediate additional nursing facilities at the Boston City Hospital. I am informed that the peak load of sickness in this city is between now and the first of May. I have in mind, too, the routine red tape that necessarily follows any such request. I understand that in the original budget request made by the trustees of the City Hospital they asked for a substantial number of additional nurses. I understand also that since the original request first went forward, because of the emergency, they made still further requests for personnel at the hospital. They expect to have further talks with the Mayor and the Budget Commissioner, and experienced members of the Council who have been active on the Appropriation Committee and are familiar with city affairs know that there will be weeks of time elapse before the trustees will be able to iron out with the Budget Commissioner and the Mayor the demands of the hospital. Then the budget as finally made up will be sent by the Mayor to the City Council, and referred to the Committee on Appropriations. We will then have hearings and it will be weeks after the peak is passed before the request for additional nurses at the City Hospital can possibly be acted on. So I now ask that this be sent to the Executive Committee, where we will today hear the statement by the mother of one of the nurses, and I trust that later on, whether busy or not, the trustees and the superintendent will, when it becomes necessary to ask questions of them, sit in with the committee. I trust that, even if a time of emergency when nobody can be spared from his post, they can find at least half an hour to appear before our committee where they can be heard and where questions can be asked of them.

Coun. NORTON—Mr. President, speaking on that order I believe that our Boston City Hospital today is the premier city hospital not only in America but in the world. I believe the trouble referred to is due to one individual, and that is the Superintendent of Nurses (applause from the gallery). She is the cause of the trouble. We were warned, and warned properly, that once this Superintendent of Nurses went into the City Hospital it would mean trouble. Now, here are the facts, and a child can understand them. The Massachusetts State Board of Registration of Nurses has direct charge of the nursing school of the Boston City Hospital. If there are conditions such as the councilor complains of, some one at the State House is lax in performance of his duties. But I will guarantee you now that when you get all the facts you will be a bit surprised. Did you know that at the Boston City Hospital we have more nurses and more school nurses than in any hospital you can name? Who says so? I ask you to call upon the officials of the State Board of Nursing, who have taken away the right to have schools in different city hospitals in the last few years. They are alarmed. They know what is going on. They know about the City Hospital set-up. Wait until you get their story before you decide who is to blame for the present situation at the Boston City Hospital. Here are the facts. There are 800 nurses, more proportionately for the number of patients than in any hospital in the country. Never in history has there been such a corps of nurses. I would ask anybody who knows about such matters if that is not an ample number of nurses for the hospital. It is childish to say that there are not enough nurses. And let me say personally that if our trustees want more nurses they will say so and they can get them. I think we have a Board of Trustees at the City Hospital of the very highest standing, the finest board of hospital trustees you can find anywhere, and in "Jim" Manary we have a wonderful superintendent. I have been at the City Hospital many a time in the interest of people in my district, and have always received marvelous treatment. About six months ago I had occasion to bring some orphan children of whom I knew into the hospital for treatment. They had no friends and I brought them into the Boston City Hospital. They accepted those children and did what was necessary for them. It was the only

place left open for them. Yes, Mr. President and members, I can tell you most marvelous stories about the good and efficient work done by our City Hospital, as any of you who have had experience with that institution must know. Don't malign in the public press the people running that institution. But Superintendent Laura Logan has instituted a curriculum, a close period of study, in which some of those young women have to spend eighty-four hours a week in the classroom. At the Peter Bent Brigham they will tell you that thirty hours a week, not eighty-four, is plenty. What does that mean? They are in the classroom instead of at the sick bed and if you want to satisfy Superintendent Logan you will have to have far more nurses with the present set-up and will have the same trouble. That is the situation. Mark my words, and check me on what I say. Call up the Massachusetts Board of Nurses, those who have direct charge of that school. And any of you who have had experience with our City Hospital and know what a fine institution it is, speak up. Help those people, defend them. Stand up for the City Hospital, and don't let these impressions go out unanswered.

Coun. ROSENBERG—Mr. President, earlier this afternoon remarks were made with reference to being unable to contact officials of the Boston City Hospital when they have been needed. I don't know what experience other councilors have had, but I want to say for the record that when I have tried to do so, I have invariably been able to contact Superintendent Manary of the hospital and the assistant in charge. They have given to me all the cooperation necessary for patients from my district. I believe, as I stated at one of the previous meetings, that the trustees of the Boston City Hospital are, in my opinion, the finest type of citizenry to be found not only in the City of Boston but in the state or in any state in the country. I feel that, for purposes of the record, I should in this way express my opinion of the trustees of the hospital and the superintendent.

Coun. WILSON—Mr. President, will the gentleman yield for a question?

Coun. ROSENBERG—Yes.

Coun. WILSON—Am I correct in stating that I was under the impression, a week or two ago, that you complained of the fact that a constituent of yours was badly burned, went to the hospital and was not at all satisfied with the treatment that she got from the City Hospital?

Coun. ROSENBERG—Mr. President, I will answer that question by saying that that case did not come to my attention until after it had taken place. But whenever I have contacted the trustees of the Boston City Hospital, the superintendent or his assistant, I have always received prompt attention. This other case was one that came to my attention after the damage had been done.

The order was referred to the Executive Committee.

#### ADDITIONAL NURSES AT CITY HOSPITAL.

Coun. WILSON offered the following:

Ordered, That the trustees of the Boston City Hospital, through the Acting Mayor, be requested to at once arrange for one hundred additional nurses at the Boston City Hospital.

Referred to Executive Committee.

#### HEARINGS RE CITY HOSPITAL.

Coun. NORTON offered the following:

Ordered, That officials of the Massachusetts Division of Registration in Nursing be invited to any hearing held by the Hospital Committee of the Boston City Council on nursing conditions at the Boston City Hospital together with the superintendents of other large Boston hospitals.

Passed under suspension of the rule.

#### PARKING UNDER BOSTON COMMON.

Coun. NORTON offered the following:

Ordered, That the Mayor consider the advisability of having a study made relative to tun-

neling under the Boston Common—to be used as a parking space—said construction to be done with W. P. A. labor.

Passed under suspension of the rule.

Coun. KERRIGAN in the chair.

#### BUS PERMIT, FALL RIVER AND BOSTON.

Coun. NORTON offered the following:

Ordered, That the Council immediately consider the matter of a bus permit between Fall River and Boston.

Coun. ROSENBERG—Mr. President, I would ask that that order he referred to the Executive Committee.

Coun. TAYLOR—Mr. President, I would like to say a few words on the order. I read something in the newspapers concerning the order and was very much interested, because of the fact that the reported line is going to run partly through my district. I am not surprised at the action of the Legislature of the state upon this matter. They have always attempted to take away home rule from the City of Boston. The City Council of Boston has practically no power at all today. It is a useless body, because the sole power rests in the Legislature and in the Mayor of Boston, and we have no control over the action of the Mayor. We cannot veto his action, and if anything is done by the City Council that does not please a certain group of people not living in the City of Boston they always put some bill in the Legislature to take away additional powers from the Boston City Council. I am interested in my district in this matter. The proposed bus line would run down Seaver street, and Seaver street has very heavy traffic and does not have traffic lights. The result is that there is a serious menace to people crossing that street. We have endeavored to get traffic lights, but the city cannot seem to raise the money for them. When the City Council tries to aid the people of our city, because we don't want more traffic than is necessary on that street, under the circumstances, we have a bill introduced into the Legislature that will prevent the City of Boston having control over traffic on its own streets. I say to the Legislature of Massachusetts, "You have long regarded the City of Boston as a cow to be milked and have got every drop of milk that you could, and when the local interests of the City of Boston are at stake you take away from the city powers that it should have. You are doing something that in the end is going to cause the City of Boston to rise up and express its indignation in regard to your action. You are going to kill the goose that lays the golden egg." Recently the people of Hyde Park conducted a plebiscite upon something that it did not want, and in view of the action then taken I see no reason why twelve or fourteen other districts of the city where such a line as this is proposed should not take similar action to show that they do not want more traffic risks in their streets. I say that a plebiscite upon this matter might well be demanded, just as much as a plebiscite in the Hyde Park district on dog racing. But what is the use? I know what the answer of the Legislature will be. As a matter of fact, this bus line now has an opportunity to go into the Ashmont Station and the riders upon it can thereby obtain quick entrance to the heart of Boston. Incidentally, the ride on the Elevated will bring ten cents each from the passengers, helping to reduce somewhat our Elevated deficit. But, no, they don't want to do that. They want to ride into Park square over our busy streets. I say that our legislative counsel should be condemned for not bringing to the attention of the City Council the fact that such action was proposed in the Legislature. Too frequently matters against the interest of the people of Boston are passed without our even knowing of them. We should certainly have an opportunity to be heard on such questions, and I don't think the Council should allow the Legislature to continue such action without at least expressing our indignation in regard to it.

The order was referred to the Executive Committee.

#### LOSS TO ELEVATED THROUGH OUT-OF-TOWN BUS LINES.

Coun. ROSENBERG offered the following:

Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor

the Mayor, to inform the City Council of the amount of revenue that would be lost in fares by permitting the Fall River and Taunton bus line to come to the downtown section of Boston.

Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to inform the City Council of the amount of revenue the Boston Elevated has lost in the past five years as the result of permitting out-of-town bus lines to invade the city proper.

Coun. ROSENBERG—Mr. President, I note with interest that recently the trustees of the Boston Elevated Railway at their stations throughout Boston, Dudley street, Forest Hills and other points, and in Somerville, have put up neon signs giving you the time within which you can reach downtown Boston, and also telling you at various subway terminals of the Elevated that if you wish to travel with speed to or from downtown Boston you should use the "El." The trustees of the Elevated during the past few years have sat back and remained dormant where matters concerning the revenues of the Elevated were concerned, particularly when out-of-town bus lines are permitted to go to the downtown sections of Boston. In the meantime the deficit on the Elevated has been increasing, and the revenues have shrunk, through lack of serious attempt to see that every dime possible should go to the Boston Elevated. As a result, the citizens not only of downtown Boston, but of metropolitan Boston, have suffered because of the increasing deficit of the road. I think the information requested here may be very helpful to the members of the City Council and perhaps lead the trustees to a realization that they should exercise their prerogatives as Public Trustees to see to it that every source of revenue that may be available is developed in order to cut down the growing deficits.

Coun. NORTON—Mr. President, I am only thinking out loud, but here is my idea of the thing. We have 100,000 less people coming into Boston today than we had ten years ago, 100,000 less coming into our downtown section to do business than came ten years ago. That is what we are told by experts, who are considerably worried about the matter. If that sort of thing continues, what will be the result in Dock square and on Washington street ten years from the present time? And so when you consider the bus problem, buses bringing people into Boston to do business, consider in connection with it that fact, that there are 100,000 less people coming into Boston to do business than came ten years ago. I do know that Boston stores are looking for and need additional business, and I do know that this bus line from Fall River to Boston has asked for permission to bring people into Boston. So I think, making as little objection as we possibly can, we should help bring everybody we can to Boston. This bus line will go through my ward, Mattapan square, and I trust that certainly some route can be afforded for buses that want to come into Boston from outside places and to bring people to our city to do business. In other words, I am interested in bringing people into Boston, whoever wants to come. If you want them to pay an additional ten cents to the Boston Elevated, that is another problem. I wonder what passengers on buses going to Providence or to New York City would do if they were forced to stop at the boundary and take the local subway system to the city proper? I don't know. I am only thinking out loud. Citizens of Foxboro and Taunton, and other places, tell me that they like to take these bus lines, because their train service has been cut down. At some places there is no train service but only bus lines. Isn't there some way in which people wanting to come to Boston to trade at our places of business can be induced or encouraged to come? Shouldn't we say to those wishing to come to our city, "Come along, we want you?" Isn't there some way to bring here those people who want to come to our city?

Coun. ROSENBERG—Mr. President, when this petition was before the Council some months ago I rose and stated that there might be some other alternative route for the Eastern Massachusetts to bring in its bus service. But I pointed out to the Council at that time that Blue Hill avenue is no route over which to bring people to town by bus line such as this. I don't know whether some of you have seen the reports showing the number of accidents occurring on Blue Hill

avenue, in the confines of my ward. I think more people have been killed on that street than on any other street in the City of Boston. I think the Legislature has been hoodwinked in this matter of the Eastern Massachusetts bus line from Taunton and Fall River, that they had some good salesmen up there interested in getting it through the House. I don't know how it will fare in the Senate. Of course, the people of Taunton and Fall River can get bus service into Boston, and the truth is that they are coming now into Boston in that way. These people are coming into the Ashmont Station. But they want express service into the heart of Boston. There is nothing to prevent their coming in from Taunton and Fall River, Dighton, and three or four little towns, to Mattapan or some other station, and there connecting with the rapid transit. But they desire to come in by this other route filing a petition which would enable them to go along Blue Hill avenue. Do you suppose if a similar petition was brought for these buses to go through the heart of Fall River and Taunton to a similar way to that in which they now wish to go through Blue Hill avenue, the people of those cities would allow it? No, these same people who are now favoring this petition would want it killed if it went through their neighborhoods. There are many ways in which people can come into the heart of Boston. The doors are open. But we don't want the Legislature to tell us what must be done in our particular district. We don't care to have people from North Adams or Pittsfield telling us how to operate vehicles upon and regulate our streets and highways. I say that the Legislature should take care of its proper legislative business and give to Boston home rule. Give us the opportunity to determine where bus lines shall come in. I feel that every consideration has been given to the residents of Taunton and Fall River. They can reach the heart of the city now more speedily than by the proposed route, and there would be no objection to their taking other avenues of approach. But they should certainly not be allowed to come over a road which would mean taking the lives and threatening the safety of the people of Boston. Bus operators, no matter how careful they may be, are bound to speed up on such a boulevard as Blue Hill avenue. I have stood here asking, as other councilors have asked, for traffic lights on this and other streets, but we cannot get them, and without traffic lights or other traffic protection there is certainly great danger to the people in such heavily populated sections of our city.

Coun. TAYLOR—Mr. President, the councilor from Hyde Park (Coun. Norton) has said that ten years ago there were 100,000 more people coming into Boston than come at the present time. I wish to call the attention of the councilor to the fact that ten years ago we had fewer bus lines than we have today, and the fact that the number of people has not increased with the increase in the bus lines is simply due to economic conditions, and nothing else. On Seaver street, in the ward I represent, we had many accidents and deaths last year as a result of which we waited on the Traffic Commissioner and upon the Mayor of the City of Boston asking for traffic lights, in an endeavor to cut down the accidents and deaths on that street. But we were simply told that they did not have the money for those lights. I say to the councilor from Hyde Park, to the people of Fall River and to the Legislature that I would rather have 100,000 less people coming into Boston than to be the means of killing children and others in my district.

Coun. NORTON—Then, put a fence around the whole city and go to bed! It seems to me if you cannot get the buses in in one way they should come in in another. But the fact is that there are 100,000 fewer people coming into Boston today than came in ten years ago. They run over into Milton or Newton, get what they want, and go back home again, in a short time. We lose hundreds of thousands on that account. What I am interested in primarily is this, Isn't there some other way to get people into Boston? The problem is, where are we going to get more money to pay our bills?

Coun. TAYLOR—I suppose you know there was a petition before our Body that was rejected, the same petition?

Coun. NORTON—Yes; I have an idea what happened.

Coun. TAYLOR—The petition was rejected, and then they put the petition into the Legislature. Do you recall that?

Coun. NORTON—Something about it; yes.

Coun. TAYLOR—Do you recall the fact that the Jitney Committee met, that Councilor Rosenberg complained, asking the Eastern Massachusetts why they did not petition to go over a different route, and they answered that they would consider it.

Coun. NORTON—I don't remember that, but if you say so, no doubt it was so.

Coun. TAYLOR—But this petition is the same petition that we had before us, which the Council denied, and then they went to the Legislature, and you think the City Council ought to bow to the Legislature.

Coun. NORTON—No; don't put words into my mouth.

Coun. TAYLOR—Will the gentleman yield for another question?

Coun. NORTON—Certainly.

Coun. TAYLOR—Do you think we ought to act on this matter while it is before the Legislature?

Coun. NORTON—I think we should call in the Eastern Massachusetts and try to iron it out.

Coun. GALVIN—The councilor from Hyde Park feels that it should be taken up with them again?

Coun. NORTON—Yes; every day is a new day.

Coun. GALVIN—Mr. President, I would like to ask the councilor from Ward 18 (Coun. Norton) if he was in Europe at the time when the bus issue came up before the committee and when Councilor Wilson fought hard to have it passed by the City Council?

Coun. NORTON—Are you asking that question for information or embarrassment?

Coun. GALVIN—For information.

Coun. LYONS—Mr. President, speaking on that order, when the matter was brought up last year it was not a question of the route that the buses were going to take. Regardless of how they came, they figured that they were going to come to Boston, anyway. If the councilor from Ward 18 recalls the petition, the first bus was to start from Fall River at 5.30 in the morning, and there were to be fourteen trips here and fourteen back. Jordan Marsh and other business people in that section complain about the possibility of stores being closed up. Naturally, they will be closed up because our tax rate is so high, and continues to go higher year after year, and people are leaving Boston. The Boston Elevated deficit is very, very high. I think Boston paid something like a million and a half for 1938. The buses that come into Boston at the present time land passengers up at Ashmont Station and in the course of a year bring in a revenue in the vicinity of \$40,000 to \$60,000, and when these buses come directly into the City of Boston it will deprive the Boston Elevated probably of \$50,000 to \$50,000 a year. When such a petition is taken from the Boston City Council and put into the hands of the Legislature, it is high time that we should stand united and go up there on the hill and demand home rule and get some action, as when the Americans took Boston away from the British. That is the stand I took a year ago, and let us take it now. I shall do what I can to prevent this line coming to Boston.

Coun. IRWIN—It is very amusing to me to hear this situation discussed at the present time. You speak about home rule. When you took away the Relief Station from my section, we were not able to do anything about it. When I asked for a roll call there was only one councilor besides myself who favored it. The councilor may feel that we should have home rule in this matter, but we know that we can't do anything about it at the present time. It has been through the House of Representatives and will soon be before the Senate. The only chance for a protest is before the Department of Public Utilities. The Legislature should not take powers away from the City Council, but the fact remains that the Legislature has that power. We do have the right to make an appeal through the Corporation Counsel and our legislative agent, and they should have been asked to draw a bill to prevent this bus line from coming into Boston. But it is most amusing to have it brought up at this stage.

Coun. NORTON—Mr. President, I am glad to have it pointed out to me by the gentleman from Ward 1 that we should, through our legislative agent and Corporation Counsel, keep in touch with these bills in the Legislature. But if you can keep in touch with each and every one of them you will get the gold medal, kid!

Coun. SULLIVAN—Mr. President, as I recall, the gentleman from Ward 14 (Coun. Rosenberg) led the fight a year ago when the proposed bus line into Boston was defeated. But at that time the petitioner did not even attempt to come in by another route.

The orders were passed.

#### RECESS.

The Council voted at 2.30 p. m., on motion of Coun. AGNEW, to take a recess subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 4.53 p. m.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on resolution and order (referred today) for immediate action on permit for dog racing at Boston Garden—that same ought to pass.

The report was accepted and the order passed.

2. Report on order (referred today) for information *re* nurses at Boston City Hospital—that same ought to pass.

Report accepted: said order passed.

3. Report on order (referred today) that Acting Mayor arrange at once for additional nurses at City Hospital—recommending passage of order in following new draft:

Ordered, That the trustees of the Boston City Hospital, through the Acting Mayor, be requested to at once arrange for an adequate number of additional nurses at the Boston City Hospital; and further

Ordered, That in the opinion of the City Council this is an emergency matter not admitting of delay.

The report was accepted and the question came on the passage of the orders.

Coun. WILSON—Mr. President, very briefly as I understand it, you as Acting Mayor are going to urge upon the trustees and superintendent of the City Hospital and also the Budget Commissioner that something be done in this matter for the City Hospital. When questions of expense are raised, not long ago some of the members did not object to voting \$20,000 to keep hens at a poultry farm at Deer Island, or against a large amount for a real estate expert in lieu of our own expert. I respectfully urge, therefore, that if the city is in good enough financial condition to make provision for a poultry farm at Deer Island and to appropriate a large amount for a real estate expert, we are not taking an unreasonable position in asking the trustees of the Boston City Hospital to spend a proper amount to provide adequate care for the sick in the City Hospital.

Coun. CHASE—Mr. President, I merely desire to be recorded as heartily in favor of the passage of the orders.

The report was accepted and the orders were passed.

#### COOPERATION OF PHYSICIANS RE HOSPITAL INVESTIGATION.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be immediately requested to consider the advisability of soliciting the services of three physicians of recognized standing, who have had experience in hospital administration, to work with the City Council Committee on Hospitals, with a view to ascertaining whether or not standards and conditions for nurses and the training of nurses are in keeping with the requirements of the Boston City Hospital.

Coun. CAREY—Mr. President, we have heard considerable about nursing conditions at the City Hospital, and also about the needs of the hospital in that line. I sincerely believe when we are in doubt—and I think there is considerable doubt in the minds of the members upon this question—any doubt should be cleared up by calling in physicians of recognized standing who have had experience in hospital administration to work with the City Hospital Committee in investigating this matter. There has been considerable question about the Superintendent of Nurses, the condition of the nurses and the management of the Boston City Hospital. We want our hospital to be second to none in the country and there must be available

in the City of Boston and the Commonwealth of Massachusetts medical men of standing, ability and experience in hospital administration, who would be very glad to collaborate with the City Council Committee in clearing up what seems to be a very unsatisfactory condition at the hospital at the present time. Therefore, I trust that the Council will act favorably upon my order.

The order was passed under suspension of the rule.

#### REOPENING OF EAST BOSTON RELIEF STATION.

Coun. IRWIN offered the following:

Ordered, That the Acting Mayor declare an emergency exists and that the East Boston Relief Station be reopened at once.

Coun. IRWIN—Mr. President, in view of what was brought out in the executive session, it would at least seem that there can be some improvement in our hospital administration. I have, therefore, introduced this order, and I trust that some good will come out of it. It has at least been called to our attention that there is laxity on somebody's part and that something should be done at once. I think there is no more proper time than the present to take action in regard to the East Boston Relief Station, reopening it at once. It has been agreed that 100 more nurses are needed at the Boston City Hospital, and I think everybody agrees that the East Boston Relief Station should be reopened. It had gone on for twenty years and it has now been taken away from the residents of that section. I have not asked for a plebiscite on the question. I do not believe that five persons in East Boston would vote against the relief station being reopened. That is the practically unanimous wish of all the people of East Boston. Therefore I ask that the order be passed.

The order was passed under suspension of the rule.

#### REOPENING OF HAYMARKET RELIEF STATION.

Coun. FITZGERALD offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to immediately reopen the Haymarket Relief Station.

Coun. FITZGERALD—Mr. President, this also is a matter that should be immediately acted upon. The Haymarket Relief Station should be reopened. Cases are continually coming up needing immediate attention in that vicinity. Within the last two weeks a woman fell downstairs at the station over here, getting on the train, and both of her legs were broken. She was sixty-eight years old, and the mother of a well-known citizen in the city. Recently, in the Park Street Station they had to wait over an hour for an ambulance, because of an accident to the wife of one of the foremost men in the city. It is all very well to try to make light of these things until they strike home. As I have said before, you cannot measure the value of such a convenient relief station in dollars and cents. The city is not run for profit, but to give service to the citizens, and that service can be given without looting the treasury and doing things that are not right. But when you have to wait a long time for an ambulance in case of a had accident, it is a very serious situation. There is no sound reason why that ambulance station should ever have been taken away from the Haymarket Relief Hospital. There is a building down there that the city condemned and that it was proposed to remodel for other purposes, work that would cost, I am told, a million dollars. It was thought first that they would use it for a fire station, but that would have cost a very large amount. It was, however, a very convenient place when accidents happened around that vicinity—in fact, around this whole part of the city. The time has now arrived when everyone admits that its closing was a mistake. The only thing to do at present, under the circumstances, is to rectify that mistake. God only knows the suffering of people who are stricken down in this great metropolis of ours, who have to wait for hospital or emergency treatment. There was an instance on Friday night where they waited fifty minutes for an ambulance down in the West End. Every moment lost under such circumstances may mean death or permanent injury.

When you make a mistake, the sooner it is corrected the better. Doctor Washburn said in his report to the City Council that the Haymarket Relief Station was a necessity, and its history proves that. When we had an investigation of the Boston City Hospital the importance of places like that, where emergency treatment could be given, was definitely shown. But we know what Doctor Washburn said at the time, and we all know now that the closing of that relief station was a mistake. I sincerely hope that some people have learned their lesson. That station was doing a wonderful work, and it has been shown in the large cities of this country that local stations of the kind are practically a necessity. Look at the situation in New York. There, and in other large cities throughout the country, we find relief hospitals everywhere. The few dollars saved by the closing of such a place means a cost of an immense sum in the end. I certainly trust that everything will be done by the trustees to see that the purpose of this order and the order introduced by Councilor Irwin is carried out.

Coun. GALVIN—Mr. President, I second what has been said by Councilor Fitzgerald in regard to the Haymarket Relief Station. It has been of immense advantage to the people of my district, who have suffered so because of its being closed that they have been bounding me day in and day out for its reopening. When the City Council of Boston went on record in this matter of the closing of that relief station, every councilor but the gentleman from Hyde Park admitted that its closing was a mistake. I have had continual protests from my ward against the use of the "paddy wagon" to pick up people in my ward and take them to the hospital. The Haymarket Relief Station served a very useful purpose to my constituents. They have to go a long way to the City Hospital, and the policeman in the back of the "paddy wagon" is not equipped with a first-aid kit to help the person who has been injured. I hope the Hospital Committee will take this matter up with the trustees and that we will see that relief station reopened.

Coun. NORTON—Mr. President, I admit that I made a mistake in the matter of these relief stations. I thought, with the opening of the addition to the hospital, proper facilities would be afforded. I now admit that I made a mistake, and I am tickled to death to stand here and say so. I felt at the time with the promise of city officials that when they opened up the new hospital it would take care of both districts, everything would be all right. I now think that Councilor Irwin's order should pass and also that the Haymarket Relief Station should be reopened. Why not? I think the Mayor will probably admit that he made a mistake.

The order was passed under suspension of the rule.

#### SUPERINTENDENT OF NURSES, CITY HOSPITAL.

Coun. HUTCHINSON offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Acting Mayor, to summarily discharge the Superintendent of Nurses.

Referred to the Committee on Hospitals.

#### INVESTIGATION OF CITY HOSPITAL CONDITIONS.

Coun. HUTCHINSON offered the following:

Ordered, That the City Council Committee on Hospitals be requested to immediately investigate existing conditions at the Boston City Hospital and report its findings to the City Council.

Referred to Committee on Hospitals.

#### EXTENSION OF CONSERVATION OF EYE-SIGHT CLASS.

Coun. HUTCHINSON offered the following:

Ordered, That the School Committee be requested, through his Honor the Mayor, to extend the Conservation of Eyesight Class through the high school grades instead of discontinuing it at Grade IX as at present.

Passed under suspension of the rule.



## SURVEY OF PART OF WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to make a survey of that section of Ward 19 known as the "White City," with a view to building new streets and repairing the present streets which are in poor condition.

Passed under suspension of the rule.

## SUPPORT OF SENATE BILL 5.

Coun. FITZGERALD offered the following:  
Resolved, That the Boston City Council, in session assembled, go on record as favoring Senate Bill 5, for the repeal of plan E and Proportionate Representation as embodied therein.

Referred to the Committee on Rules.

Adjourned at 5.20 p. m., on motion of Coun. KERRIGAN, to meet on Monday, February 27, 1939, at 2 p. m.



**CITY OF BOSTON.**

**Proceedings of City Council.**

Monday, February 27, 1939.

Regular meeting of the City Council in Faneuil Hall at two p. m., President MURRAY in the chair. Absent, Coun. Agnew, Norton and Shattuck.

**PATROLMEN ON TRAFFIC DUTY.**

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of February 6, 1939, concerning information regarding the number of patrolmen now in the department and the number on traffic duty.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

City of Boston,  
Police Department, February 18, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Sir,—With reference to your memorandum dated February 9, with inclosure of copy of City

Council order of February 6, 1939, I wish to submit the following information:

There are 103 officers of the Traffic Division doing duty at dangerous intersections where there are no traffic lights, between the hours of 8 a. m. and 6 p. m., and six officers doing duty at dangerous intersections where no traffic lights are installed, between the hours of 6 p. m. and 12 midnight.

Trusting this information will be helpful to you, I am,

Yours respectfully,  
JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

**PERSONNEL IN POLICE DEPARTMENT.**

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Police Commissioner relative to your order of February 6, 1939, concerning information relative to the distribution of personnel in this department.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor,

City of Boston,  
Police Department, February 20, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—With reference to your memorandum dated February 9, 1939, I am submitting herewith tabulation of information as requested in order of the City Council passed February 6, 1939, relative to the distribution of personnel in this department.

Yours respectfully,  
JOSEPH F. TIMILTY,  
Police Commissioner.

DIVISION.	Total Number of Officers in Police Divisions.	Number of Motor Cycles.	Number of Men Assigned to Motor Cycles.	Number of Prowl Cars.	Number of Men Assigned to Work in Prowl Cars.	Number of Men on Foot Patrol.	Number of Men on Traffic Duty.
1.....	99	0	0	2	10	63	0
2.....	136	0	0	2	12	62	0
3.....	97	0	0	2	6	40	0
4.....	162	0	0	3	18	37	0
6.....	147	3	4	4	24	77	1
7.....	94	3	4	3	14	38	4
9.....	119	0	0	4	24	42	4
10.....	120	0	0	4	24	48	5
11.....	124	3	3	5	30	47	0
13.....	93	4	4	3	12	52	2
14.....	100	5	6	4	16	20	0
15.....	77	0	0	3	12	23	5
16.....	133	2	2	4	18	64	1
17.....	94	2	4	2	12	43	2
18.....	61	1	1	3	12	12	1
19.....	87	2	2	4	18	29	2
Traffic.....	211	5	4	0	0	0	129
Totals.....	1,954	30	34	52	262	727	156

Total number of officers in the department, 2,223.

Placed on file.

**DISTRIBUTION OF OFFICERS IN POLICE DEPARTMENT.**

The following was received:

City of Boston,  
Office of the Mayor, February 25, 1939.  
To the City Council:  
Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of February 6, 1939, concerning the distribution of officers in this department.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

City of Boston,  
Police Department, February 23, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your communication of February 9, together with order of the City Council dated February 6, relative to distribution of officers in this department, I am inclosing for your information copies of reports submitted to me by Superintendent Edward W. Fallon and Deputy Superintendent John T. O'Dea, which are self-explanatory.

Very truly yours,  
JOSEPH F. TIMILTY,  
Police Commissioner.

City of Boston,

Police Department, February 21, 1939.

Hon. Joseph F. Timilty,  
Police Commissioner.

Sir,—With reference to attached letter from Mr. William T. Doyle, Chief Clerk, Mayor's Office, City Hall, Boston, Mass., regarding certain Police Department information, would state that that part of City Council order pertaining to Items No. c and d, relative to traffic officers, has been furnished by Deputy Superintendent John T. O'Dea, Traffic Division, which information is contained in his report attached hereto.

The information requested in City Council order, Items a, b and e, is contained in the following summary:

- a. The total number of patrolmen now in the department..... 1,926
- b. The total number of officers in the department..... 2,222
- 1 Superintendent.  
4 Deputy Superintendents.  
30 Captains.  
4 Lieutenant Inspectors.  
66 Lieutenants.  
186 Sergeants.  
1,926 Patrolmen.  
5 Patrolwomen.
- 2,222, total.
- e. The total number of officers and men on street duty, other than traffic, between the hours of 8 p. m. and 1 a. m. average, 336.  
232 Average on foot patrol.  
104 Average on automobile patrol.

336, total.

Respectfully submitted,  
EDWARD W. FALLON,  
Superintendent of Police.

City of Boston,  
Police Department,  
Traffic Division, February 20, 1939.

To the Superintendent,

Sir,—With reference to the attached communication from William T. Doyle, Chief Clerk, Office of the Mayor, City Hall, Boston, in relation to City Council order of February 6, 1939, wherein the following language is employed:

"Ordered: That the Police Commissioner be requested, through his Honor the Mayor, to advise the City Council:

- a. The total number of patrolmen now in the department.
- b. The total number of officers in the department.
- c. The total number of officers and men on traffic duty.
- d. The total number of officers and men on traffic duty in the district between Massachusetts avenue easterly to the North Station.
- e. The total number of officers and men on street duty, other than traffic, between the hours of 8 p. m. and 1 a. m.

In City Council February 6, 1939. Passed.

Attest:

W. J. DOYLE, City Clerk."

I respectfully report on Items c and d, as follows:

c. Total number of officers and men in Traffic Division, 202, distributed as follows:

- 1 Deputy Superintendent.  
1 Captain.  
3 Lieutenants (2 on days, 1 on nights).  
10 Sergeants (9 on days, 1 on nights).  
187 Patrolmen.
- The 187 patrolmen are distributed as follows:
- 7 Mounted on horses.  
4 Mounted on motorcycles.  
4 Clerks, including Tag Room.  
7 Tagging duty.  
2 Safety Educational Automobile.  
143 Traffic posts (days).  
20 Traffic posts (nights).

d. The total number of officers and men on traffic duty in the district between Massachusetts avenue easterly to the North Station:

- 105 Officers (days).  
18 Officers (nights).

It might be well to cite at this time, for information of the Boston City Council, that the Traffic Division, which is responsible for traffic conditions in Divisions 1, 2, 3, 4, 16 and the traffic post at Cottage Farm Bridge, on Division 14, which embraces the territory from the North Station to the Cottage Farm Bridge and the Charles river to the South Bay, is often called to furnish details for escort duty at events held at the Boston Garden, Boston Arena, Horticultural Hall, Mechanics Building, Symphony Hall and, during the summer months, functions, such as conventions, etc., at the various large hotels.

With its small personnel, the Traffic Division is also called upon to assign officers to expedite the movement of traffic during funeral services held at various churches, at football and baseball games at Fenway Park attended by large crowds, parades, such as the Boston School Cadets, Ancient and Honorable Artillery Company, marathon runs, as well as officers assigned to department drills and target practice, and, in order to keep the most important traffic posts covered, officers have to be constantly shifted from one location to another.

This division must also detail officers to cover important traffic posts on Sunday afternoons and evenings, usually to the extent of twenty officers, as well as on holidays, and these men have to be given their days of relief on some week day following the Sunday or holiday on which they did duty.

At the present time I have two sergeants and nine patrolmen who are included in the personnel of this division but who are actually detailed to other divisions and units, thereby reducing the number of men available for actual traffic duty.

I have allotted 180 posts that are really dangerous and should be covered by traffic officers during the day and, at least, twenty-one hazardous posts at night, between the hours of 6 p. m. and 12 midnight, but owing to the shortage of officers at this division many of these posts must go uncovered.

As topics c and d are the only ones pertaining to the Traffic Division, I respectfully recommend that the attached communication be referred to the Chief Clerk of the department, in order that he may supply an answer to Items a, h and e.

Respectfully submitted,

JOHN T. O'DEA,  
Deputy Superintendent,  
Commanding Traffic Division.

Placed on file.

#### FEES FROM HACKNEY CARRIAGE LICENSES AND BADGES.

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of January 30, 1939, concerning the amount of gross and net revenue received annually for the past five years from the issuance of hackney carriage licenses, and also from the issuance of hackney carriage badges.

Respectfully,

GEORGE A. MURRAY,  
Acting Mayor.

City of Boston,  
Police Department, February 20, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Attention of Mr. William T. Doyle, Chief Clerk.

My dear Sir,—Complying with your request of February 2, 1939, for consideration and report on an order of the City Council of January 30, 1939, relative to informing that body as to the amount of gross and net revenue received annually for the past five years from the issuance of hackney carriage licenses, and also from the issuance of hackney carriage badges, the following is submitted:

RECEIPTS FOR HACKNEY CARRIAGE LICENSING FOR THE YEARS STATED. (TWELVE MONTHS' PERIODS, ENDING AS OF NOVEMBER 30 IN EACH YEAR.)

CLASS OF LICENSE, ETC.	1934.	1935.	1936.	1937.	1938.	Totals.
Hackney carriage (the vehicle to set up and use).....	\$8,250 00	\$7,740 00	\$8,075 00	\$8,380 00	\$7,860 00	\$40,305 00
Re-grants of hackney carriages.....	433 00	311 00	566 00	429 00	246 00	1,985 00
Hackney carriage drivers (badges and windshield plate numbers furnished without charge.)	6,484 00	6,022 00	5,974 00	6,094 00	5,646 00	30,220 00
Replacement of lost drivers' badges and windshield plate numbers.	318 00	.....	.....	.....	36 00	354 00
Totals.....	<u>\$15,485 00</u>	<u>\$14,073 00</u>	<u>\$14,615 00</u>	<u>\$14,903 00</u>	<u>\$13,788 00</u>	<u>\$72,864 00</u>

POLICE DEPARTMENT EXPENDITURES IN CONNECTION WITH HACKNEY CARRIAGE LICENSING. (TWELVE MONTHS' PERIODS, ENDING AS OF NOVEMBER 30 IN EACH YEAR.)

NATURE OF EXPENSE.	1934.	1935.	1936.	1937.	1938.	Totals.
Metal police numbered medallions, eyelets, fasteners, etc., for hackney carriages; hackney carriage drivers' badges and windshield plate numbers.	\$1,290 00	\$1,047 20	\$1,161 66	\$1,161 66	\$1,237 66	\$5,908 18
Stock and printing in connection with hackney carriage licensing, Salaries of police and civilian personnel of hackney carriage office in regulation and supervision.	445 00	513 40	516 00	486 05	833 60	2,794 05
Salaries of certain civilian personnel of chief clerk's office, Police Department, <i>in re</i> hackney carriage licensing, license making, recording, etc.	6,536 59	6,497 18	14,403 96	26,886 51	31,809 71	86,133 95
Totals.....	<u>3,264 94</u>	<u>3,809 92</u>	<u>3,416 66</u>	<u>2,614 07</u>	<u>2,807 67</u>	<u>15,913 26</u>
Totals.....	<u>\$11,536 53</u>	<u>\$11,877 70</u>	<u>\$19,498 28</u>	<u>\$31,148 29</u>	<u>\$36,688 64</u>	<u>\$110,749 44</u>

Résumé.	
Expenditures for the sources stated for the period covered, as shown by foregoing figures, in connection with hackney carriage licensing.....	* \$110,749 44
Income received in connection with such licensing for the items set out for the same period.....	72,864 00
Balance (representing approximate net expense which has been borne by the city for the period covered in connection with the licensing activity, the subject of this report)...	<u>\$37,885 44</u>

\* NOTE.—No estimate has been included in the expense for the period covered for the time of officers at the various police divisions in investigating and reporting on the character, habits and reputation of 15,000 or more hackney carriage drivers, whose applications were granted by the Police Commissioner within that time.

Very truly yours,  
JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

#### PHOTOGRAPHS OF TAXI OPERATORS,

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of January 30, 1939, concerning the regulations relative to the operation of taxicabs, the provision that a photograph of the operator be conspicuously displayed in the cab.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

City of Boston,  
Police Department, February 17, 1939  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In further reference to your memorandum dated February 2, 1939, with inclosure of Council order relative to making provision in the rules and regulations governing taxicabs, to the effect that a photograph of the operator be displayed conspicuously in the cab, this provision is included in the new hackney carriage rules and regulations, promulgated on February 11, 1939, and by the first of April it is expected that all cabs will be so equipped.

Very truly yours,  
JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

#### EXTENSION OF GREEN STREET STATION—WEST ROXBURY BUS LINE.

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway relative to your order of February 6, 1939, concerning the extending of the present Green Street Station-West Roxbury bus line to Forest Hills over the following route: From the monument at South and Centre streets, over South street, Asticou road, into Forest Hills.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

Boston Elevated Railway,  
February 15, 1939.

Mr. W. T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—We have considered request on order of the City Council received with your letter of February 9 for extension of the Green Street Station—West Roxbury bus line to Forest Hills via South street and Asticou road into Forest Hills Station.

Asticou road is restricted to one-way operation from South street to Washington street and is so narrow under the bridge that, even though the restriction were removed, it would be a dangerous place to operate; moreover, there is a bad grade on South street between the Parkway and Asticou road.

The distance and running time consumed if the service were operated to Forest Hills would be about the same as to Green street, but as the running time on the rapid transit lines between Forest Hills and Green street is about two minutes, the ride would be that much longer for every passenger in each direction.

The suggested rerouting would also leave McBride and Green streets without service and there would be duplicate service between the Monument and Forest Hills where patrons now have the privilege of transferring to the rapid transit lines.

Under all the circumstances it does not appear to be feasible to comply with the request.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

#### SHELTER, CENTRE STREET.

The following was received:

City of Boston  
Office of the Mayor, February 25, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway Company relative to your order of February 6, 1939, concerning the erection of a shelter on Centre street, Jamaica Plain, opposite the Faulkner Hospital, Ward 19.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

Boston Elevated Railway,  
February 15, 1939.

Mr. W. T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your letter of February 9, I would say that the trustees have previously given consideration to a request of the City Council for provision of a shelter in front of the Faulkner Hospital on Centre street.

It has been the policy of the railway for a number of years to provide shelters only at prepayment stations. You will, of course, readily appreciate that it would be a very expensive proposition to provide shelters at all points on our system where there is considerable transferring between lines or where there are a number of patrons waiting for a car or bus, and the trustees have felt that in view of the deficit at which the railway is being operated they could not justify expenditures for that purpose.

Very truly yours,  
EDWARD DANA,  
President and General Manager

Placed on file.

#### SERVICE ON GREEN STREET—WEST ROXBURY BUS LINE.

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway Company relative to your order of February 6, 1939, concerning the making of a survey of the bus service on the Green Street Station—West Roxbury line with a view of improving the service.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

Boston Elevated Railway,  
February 17, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your letter of February 9 with order of the City Council, I would say that, due to unusually bad street conditions since the

storm, it has been difficult to maintain regularity of service on the Green Street-Centre Street, West Roxbury, bus line.

The scheduled service is adequate for the riding requirements and now that street conditions have improved there should be no further cause for complaint.

The patronage of the line will be watched and any necessary adjustments made in the service to make it satisfactory.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

**MUNICIPAL BUILDING FROM GEORGE ROBERT WHITE FUND.**

The following was received:

City of Boston,  
Office of the Mayor, February 25, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Manager of the George Robert White Fund relative to your order of January 23, 1939, concerning the advisability of erecting a municipal building on Franklin Field from the income of said fund.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

City of Boston,  
George Robert White Fund,  
February 21, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on Monday, January 23, 1939, the following order was passed:

“Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to consider the advisability of erecting a municipal building on Franklin Field from the income of said fund.

In City Council January 23, 1939. Passed.” and I herewith submit the following vote passed by the trustees of the George Robert White Fund at their meeting on Thursday, February 2, 1939:

“Voted, That the manager for the trustees be directed to advise the Council that the trustees do not feel that the expenditure of the income of this fund for such a purpose would be advisable at this time.”

Respectfully submitted,  
JOSEPH F. O'CONNELL,  
Manager.

Placed on file.

**RECREATIONAL BUILDING, WARD 4.**

The following was received:

City of Boston,  
Office of the Mayor, February 25, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Manager of the George Robert White Fund relative to your order of January 30, 1939, concerning the possibility of erecting a recreational building in Ward 4.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

City of Boston,  
George Robert White Fund,  
February 21, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on Monday, January 30, 1939, the following order was passed:

“Ordered, That the trustees of the White Fund be requested, through his Honor the Mayor, to consider the possibility of erecting a recreational building in Ward 4.

In City Council, January 30, 1939. Passed.” and I herewith submit the following vote passed by the trustees of the George Robert White Fund at their meeting on Thursday, February 2, 1939:

“Voted, That the Manager for the Trustees be directed to advise the Council that the trustees do not feel that the expenditure of the income of this fund for such a purpose would be advisable at this time.”

Respectfully submitted,  
JOSEPH F. O'CONNELL,  
Manager.

Placed on file.

**AIR-COMPRESSION HAMMERING, HUNTINGTON AVENUE SUBWAY.**

The following was received:

City of Boston,  
Office of the Mayor, February 25, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Acting Chairman of the Boston Transit Commission relative to your order of February 16, 1939, concerning the air-compression hammering on the W. P. A. subway project, same to cease at 10 p. m.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

City of Boston,  
Transit Department, February 24, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In reply to the following order of the City Council:

“Ordered, That the Boston Transit Commission be requested, through his Honor the Mayor, to make arrangements to have all air-compression hammering on the W. P. A. subway project cease at 10 p. m.”

I wish to report that no compressed-air tools are operated on the Huntington Avenue Subway job after 10 p. m. except in case of emergency.

Yours very truly,  
DANIEL J. O'CONNELL,  
Acting Chairman.

Placed on file.

**HOSPITAL CLINIC, OLD HARBOR VILLAGE.**

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Housing Authority Executive Director relative to your order of February 9, 1939, concerning the provisions for the establishing of a hospital clinic in the Old Harbor Village.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

City of Boston,  
Housing Authority, February 14, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—This will acknowledge receipt of your communication of February 9, 1939, relative to the order passed February 6 in the City Council:

“That the Boston Housing Authority be requested, through his Honor the Mayor, to make provisions for the establishing of a hospital clinic in the Old Harbor Village.”

I am directed by the Authority to advise you that it has given serious consideration to the subject.

It believes, however, that establishment of a hospital clinic in Old Harbor Village is not a function of the Authority, and that establishment of such a clinic would be an unnecessary duplication of existing facilities.

Very truly yours,  
FRANCIS X. LANE,  
Executive Director For the Authority.

Placed on file.

**SMOOTH PAVEMENT FOR PARK STREET.**

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your

order of February 6, 1939, concerning the replacing of the cobblestones on Park street with smooth pavement.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

—  
City of Boston,  
Public Works Department,  
February 21, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works replace the cobblestones on Park street with smooth pavement.

Please be advised that the work of removing the cobblestones and replacing same with a Class 1 pavement will be put on a W. P. A. project this year.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### REPLACEMENT OF GAS LAMPS, GROVE STREET, WARD 20.

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of February 6, 1939, concerning the replacing of the present obsolete gas lamps on Grove street, Ward 20, from Washington street to the Dedham line, with modern electric lights.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

—  
City of Boston,  
Public Works Department,  
February 21, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works replace the present obsolete gas lamps on Grove street, Ward 20, from Washington street to the Dedham line, with modern electric lights.

Due to budget limitations I regret to advise you that this change will be unable to be made.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### REPAVING BOSTON & ALBANY BRIDGE, ALLSTON.

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of January 23, 1939, concerning repaving the surface of the bridge over the Boston & Albany tracks at Cambridge, Linden and Lincoln streets, Allston, the present wooden paving blocks being in extremely dangerous condition for traffic.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

—  
City of Boston,  
Public Works Department,  
February 16, 1939.

To the Mayor of Boston.

In reply to communication to me, from Mr. William T. Doyle, Chief Clerk, dated January 31, 1939, for consideration and report, regarding City Council order of January 23, 1939, concerning the repaving of the surface of the bridge over the Boston & Albany Railroad tracks, at Cambridge, Linden and Lincoln streets, Allston, the present wooden paving blocks being in extremely dangerous condition for traffic, I respectfully offer the following:

The bridge referred to in this communication has three roadways for vehicular traffic. At the present time the surfaces of the northerly and middle roadways are asphalt and the southerly

roadway is wood block. Due to the present condition of the wood block on the southerly roadway of this bridge, I see no good reason for continuing this type of surface covering, as it has given considerable trouble.

I will arrange to have this surface replaced by an asphalt pavement a little later on when weather conditions permit.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### TRAFFIC SIGNALS, CUMMINS HIGHWAY—BROWN AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of February 6, 1939, concerning the installation of automatic traffic signals on Cummins Highway, at Brown avenue, Ward 19, in the Sacred Heart Church district of the ward.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

—  
City of Boston,  
Traffic Commission, February 15, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order which reads as follows: "Ordered, That the Traffic Commission be requested, through his Honor the Mayor, to install automatic traffic signals on Cummins Highway, at Brown avenue, Ward 19, in the Sacred Heart Church district of the ward."

The intersection of Brown avenue and Cummins Highway is flanked by the Sacred Heart Church edifice on one corner and the Sacred Heart Parochial School on the diagonally-opposite corner, and is at the crest of a hill, so that the Cummins Highway approaches to the intersection in both directions are very steep grades.

We are aware that there is a great deal of speeding by motorists using Cummins Highway. However, the records in this office show that, fortunately, this location has not a particularly serious motor vehicle accident record and, in the opinion of our engineers, there are over one hundred other intersections in the city which are not equipped with traffic signals and which are much more hazardous. We believe that these dangerous locations should be signalized before consideration is given to establishing a traffic signal at Brown avenue and Cummins Highway. We agree that it would be desirable, if unlimited funds were available, to install a signal at this location with a pedestrian-actuated push-button feature, which would permit persons crossing the intersection to do so with almost complete safety.

There are no funds available to this commission at present for the installation requested.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.  
Placed on file.

#### PREFERENCE TO OLD AGE ASSISTANCE AND MOTHERS' AID CASES.

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Executive Director of the Overseers of the Public Welfare relative to your order of December 19, 1938, concerning preference being given Old Age Assistance and Mothers' Aid cases for tenancy in housing projects in Boston.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

—  
City of Boston,  
Overseers of the Public Welfare,  
February 13, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—This department has received your communication with inclosed copy of an order



from the City Council dated December 19, 1938, reading as follows:

"Ordered, That his Honor the Mayor be requested to take up with the Boston Housing Authority and the Public Welfare Department the possibility of preference being given Old Age Assistance and Mothers' Aid cases for tenancy in housing projects in Boston, applying to the rental in such cases the proportionate amounts now allowed such cases by the Welfare Department for rent, light and heat."

I have conferred with Mr. John A. Breen, chairman of the Boston Housing Authority, and we both agreed that at a later date it would be in keeping to sit down and look over the problems involved by this order, which will require a great deal of detailed study before an actual full report can be made to the Honorable City Council on the matter.

Yours truly,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

**RESURFACING OF TELFORD STREET,  
WARD 22.**

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of January 16, 1939, concerning the resurfacing with smooth pavement, under the W. P. A. plan of construction, of Telford street, Ward 22.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

City of Boston,  
Public Works Department,  
February 21, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement, under the W. P. A. plan of construction, Telford street, Ward 22.

Upon investigation of the condition of this street I find that same is poor and this will advise you that Telford street will be put on a W. P. A. project for reconstruction this year.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**SHELTER FOR GREEN STREET STATION  
BUS PATRONS.**

The following was received:

City of Boston,  
Office of the Mayor, February 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway relative to your order of February 6, 1939, concerning the installation of a glass inclosure at Green Street Station for the health, comfort and convenience of those awaiting the bus which travels up Green street to the monument in Jamaica Plain.

Respectfully,  
GEORGE A. MURRAY,  
Acting Mayor.

Boston Elevated Railway,  
February 17, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your letter of February 9 with order of the City Council relative to the installation of a waiting room at Green Street Station, I would say that it has been the policy of the railway for a number of years to provide shelters or waiting rooms only at prepayment stations.

It would be a very expensive proposition to provide shelters at all points on our system where there is considerable transferring between lines or

where there are a number of patrons waiting for a car or bus, and the trustees have felt that in view of the deficit at which the railway is being operated they could not justify expenditures for that purpose.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, viz:

**Claims.**

George H. Akerley, for compensation for loss of false teeth at City Hospital.

George A. Baker Company, Inc., for compensation for damage to truck by city truck.

Albert E. Butterfield, for compensation for damage to car by car of Fire Department.

Max Cortell, for compensation for damage to property at 7 Clapp street, caused by fire apparatus.

Mrs. Charles Cristadoro, for son, for compensation for injuries caused by city truck.

Daniel A. Donovan, to be reimbursed for execution issued against him.

Harry Goodman, for compensation for damage to property at 163 Cambridge street, caused by stoppage in sewer.

Paul J. Grant, for compensation for damage to car by city truck.

Jane Hay, for compensation for injuries caused by an alleged defect in Amory street.

Joseph P. Kolf, to be reimbursed for execution issued against him.

Frank Maffeo, for compensation for injuries caused by city car.

Catherine Manning, for compensation for injuries caused by an alleged defect in Margaret Fuller School.

R. Nesto, for compensation for damage to truck by city car.

Helen O'Leary, for compensation for injuries caused by an alleged defect in Atlantic avenue.

Patrick J. Ryan, to be reimbursed for execution issued against him.

Julius Schlossberg, for compensation for damage to car by city car.

J. G. Scott, for compensation for damage to property at 1743 Commonwealth avenue, caused by falling tree.

Edna M. Stoddard, for compensation for injuries caused by an alleged defect in River street, Hyde Park.

Rose V. Wallin, for compensation for injuries and death of Frances L. Healy, caused by negligent maintenance of East Boston Airport.

William C. Walsh, for compensation for injuries caused by an alleged defect at Mt. Vernon street.

David H. Wilson, to be reimbursed for execution issued against him.

David H. Wilson, to be reimbursed for execution issued against him.

Mildred E. Woods, for compensation for damage to car by city truck.

Catherine McMahon, for compensation for damage to car by truck of Park Department.

Bernard J. Hoppe, to be reimbursed for judgment issued against him.

**Committee on Jitney Licenses.**

Petition of Boston Elevated Railway for license to operate motor vehicles between junction of Belgrade avenue and Robert street and junction of Weld street and Maple street, West Roxbury, over Belgrade avenue, Robert street, South Walter street, South street, Walter street and Weld street, return over Weld street, Walter street, South street and Robert street.

**Committee on Ordinances.**

Petitions for driveway openings were received as follows:

Boston Terminal Company, at Summer street, Ward 3.

Morris Swartz, 147 Belgrade avenue.

Otis A. B. Skinner, Prince Hall Grand Lodge, 1105-1109 Tremont street and Weston street.

## REPORT OF FINANCE COMMISSION RE CITY HOSPITAL NURSES.

The following was received:

City of Boston,  
Finance Commission, February 21, 1939.  
Hon. George A. Murray,  
Acting Mayor of Boston.

Honorable Sir—The Finance Commission desires to suggest to you in your capacity as Acting Mayor and to your associate members in the City Council that you be not stampered into too hasty and perhaps unwarranted action in connection with the current charges of unclean conditions, insufficient help and improper care of patients and sick employees at the Boston City Hospital. The commission deploras general condemnation of this important and extensive public service on the basis of the gossip that has been placed before you.

For nine years the commission has kept on almost permanent assignment at the City Hospital an investigator who has specialized on institutional management, with experience in state as well as in city institutions. The commission, therefore, has first-hand information of the actual conditions there.

From this advantageous position, and in view of the harm being done the City Hospital by the stories circulated in public, many of them at the Council meeting, the commission unhesitatingly states that the specific charges which have been made are not well founded. The public, you—the Acting Mayor—and the members of the Council can be assured that in so far as the cleanliness of the hospital is concerned, the institution is above reproach. It is doubtful if anywhere in the country among public or private institutions is there one which is kept in better physical condition; and yet it is no easy task in this institution which treats approximately 1,500 bed patients and 1,500 more out-patients every day in the year.

The Finance Commission has been a consistent critic of management at the City Hospital. Only recently the commission issued the latest in a long series of reports pointing out defects in management there. The commission aims to make the hospital management as near perfect as possible. Yet the commission has not had occasion to charge that lack of cleanliness is one of the defects.

The commission has made criticism of the number of nurses and the number of other kinds of help. The criticism, however, has been that there were too many nurses and too much other help. The commission based this criticism on comparisons made with other institutions locally and in the large cities of the country. From information at hand right now, there is no lack in number of nurses.

In considering the number of general employees at the hospital today it is well to keep in mind that an army of W. P. A. employees, sometimes as many as 1,500, are helping out the regular city employees in physical maintenance of the plant.

It is well, also, to keep in mind that during this particular period of three or four weeks every hospital institution has its peak load of patients. As in other hospitals right now, the City Hospital is filled up with persons suffering from respiratory sickness. Hospital employees are not immune from this type of sickness.

Because the hospital employees come into daily contact with so much of this sickness, because they are human beings susceptible to the same ailments as others, there are more hospital employees off duty now on account of sickness than at any other time in the year. This, however, is a condition that will pass within a few weeks.

The commission is now making an investigation of the nursing situation. It is important at the present time to have it definitely settled as to whether the city can afford to transform the City Hospital School for Nurses into a purely medical educational institution, as it appears is being done.

There is opinion that proper assignment of the present nursing strength will give an ample supply; there is opinion, also, that student nurses, the backbone of the service in all large hospitals, are now spending too much time in classrooms and too little on the floor in the care of patients.

That such a transformation of the nursing facilities is known and appreciated by the Trustees and the Mayor is a matter of doubt. Because of its implications in greater expense in hospital management later, it is a matter that should be carefully surveyed by more than the hospital officials before further commitment.

The commission has not yet become fully informed on this matter, but it has undertaken a study of it. Pending the completion of this study and a report upon it to the Mayor and City Council, the commission believes that any action by the city government leading to increased number of employees would be inadvisable.

Respectfully submitted,  
DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCOLPONETTI,  
JAMES H. FLANAGAN,  
The Finance Commission.

Placed on file.

## APPOINTMENTS BY THE MAYOR.

Notices were received of the following appointments by the Mayor:

John A. Donoghue, 64 Halifax street, to be a member of the Board of Street Commissioners, for term ending January 1, 1942.

James E. King, 39 Pond street, Jamaica Plain, effective February 20, 1939, to be chairman of the Statistics Department, for term ending April 30, 1941, *vice* Robert F. Donigan, resigned.

Severally placed on file.

## MINORS' LICENSES.

Petitions were received for permits for thirty-one newsboys and four bootblacks. Permits granted under usual conditions.

## REPAVING OF COMMERCE STREET.

Coun. FITZGERALD offered the following:  
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to repave Commerce street, Ward 3.

Passed under suspension of the rule.

## WORK OF EDWARD F. CASSELL.

Coun. CHASE offered the following:  
Ordered, That his Honor the Mayor arrange for a thorough investigation of the work of Edward F. Cassell, "City Real Estate Expert," in order to arrive at a reasonable conclusion as to the possibility of reducing the cost of such "expert assistance" to the city; and be it further

Ordered, That his Honor the Mayor submit to the City Council a complete report of the findings of such investigation.

Coun. CHASE—Mr. President, I have introduced other orders previously in regard to this real estate expert, Cassell, and I feel that the Committee on Appropriations especially should have before it, in type, statement of the work that this man does and has done. I have received information to the effect that Cassell has received in the vicinity of \$200,000 in the past four years for real estate expert work. I personally cannot conceive of the city paying anything like \$50,000 or \$40,000 a year for that type of work, particularly in view of the fact that the Mayor has taken a decrease in his salary and has also cut the salaries of other department heads, in addition to the fact that the city does employ its own real estate experts. In justice to the taxpayers of Boston I feel that something should be done in this Cassell matter.

The order was passed under suspension of the rule.

## LEATHER HAND-STRAPS FOR BUS PASSENGERS.

Coun. CAREY offered the following:  
Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to immediately consider equipping buses with leather hand-straps for passengers who are obliged to stand.

Coun. CAREY—Mr. President, on the surface that order perhaps does not seem very important. However, to those of us who daily use the Elevated buses and witness the hurling and swirling of human beings, who, as a matter of fact, pay for a

seat but on the contrary are forced to stand for a abuse because of this hurling and swirling, I feel the order has considerable merit. I am aware of the fact that a rod is provided along either side of the interior of the bus, evidently to be used as a hand-rail. However, these rods are located at an altitude that is not within easy reach of the person of average height, as I feel most of the Elevated's passengers are, and they are consequently of very little use. A bus proceeds at a faster rate of speed than a street car ordinarily does. The buses that are in use in the City of Boston are brought to a stop by means of a foot brake. When this foot brake is pressed to the floor the bus is often stopped with a suddenness that invariably pitches the passengers forward and altogether too often with such swiftness that it is a miracle serious injury is avoided. Passengers pay for and are entitled to every measure of comfort and safety that can be reasonably provided, and I hope that the trustees of the Elevated will lose no time in providing the safety that I have asked for in this order.

The order was passed under suspension of the rule.

#### RECESS.

President MURRAY at 2.20 p. m. declared a recess subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 2.40 p. m.

#### EXECUTIVE COMMITTEE REPORT.

Coun. WILSON, for the Executive Committee, submitted the following:

Report on petition of Marion G. O'Brien to be paid an annuity on account of death of her husband, John W. O'Brien—recommending passage of accompanying order, viz.:

Ordered, That under the provisions of chapter 340 of the Acts of 1933, an annuity of fourteen hundred dollars be allowed and paid to Marion G. O'Brien, widow of John W. O'Brien, a member of the Fire Department who died on January 31, 1938, on account of injuries received in the performance of his duty; said annuity being made up of allowances as follows:

For the widow, Marion G. O'Brien, so long as she remains unmarried, \$1,000 per annum.

For each of the following-named children during such time as he or she is under the age of eighteen or over said age and physically or mentally incapacitated from earning, \$200 per annum: John W. O'Brien, born May 20, 1927; Paul O'Brien, born April 2, 1929.

the payments to date from January 31, 1938, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted; said order passed.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

1. Report on petition of Elmer R. Crawford (referred December 29, 1938) for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of forty-three dollars and three cents (\$43.03) be allowed and paid to Elmer R. Crawford in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

The report was accepted and the order passed.

2. Report on petition of Arthur L. Pumphret (referred February 6) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor truck belonging to Water Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of six dollars and twenty cents (\$6.20) be allowed and paid to Arthur L. Pumphret in reimbursement for amount of execution issued against him on account of his acts as operator of a motor truck belonging to the Water Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

3. Report on petition of Charles M. McNeill (referred February 6) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of two hundred fifty dollars (\$250) be allowed and paid to Charles M. McNeill in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

4. Report on petition of Charles M. McNeill (referred February 6) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of fifty dollars (\$50) be allowed and paid to Charles M. McNeill in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

5. Report on petition of Patrick J. Donelan (referred January 16) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Fire Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of fifty dollars (\$50) be allowed and paid to Patrick J. Donelan in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Fire Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

6. Report on petition of William L. Toohar (referred February 6) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of three hundred eight dollars and ninety-one cents (\$308.91) be allowed and paid to William L. Toohar in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

7. Report on petition of William Brauneis (referred February 6) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one hundred eight dollars and fifty-one cents (\$108.51) be allowed and paid to William Brauneis in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

8. Report on petition of William Brauneis (referred February 6) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of three hundred nine dollars and twenty-one cents (\$309.21) be allowed and paid to William Brauneis in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report accepted; order passed.

#### PLAYGROUND, NORTH END.

Coun. FITZGERALD offered the following:

Ordered, That the sum of \$250,000 be, and hereby is, appropriated for the purpose of building a playground in the North End section of Boston and that bonds be issued from time to time to cover cost of same.

Referred to the Committee on Finance.

## PLAYGROUND, WEST END.

Coun. FITZGERALD offered the following:

Ordered, That the sum of \$250,000 be, and hereby is, appropriated for the purpose of building a playground in the West End section of Boston and that bonds be issued from time to time to cover cost of same.

Referred to the Committee on Finance.

PLAYGROUND, ALBANY STREET,  
SOUTH END.

Coun. FITZGERALD offered the following:

Ordered, That the sum of \$250,000 be, and hereby is, appropriated for the purpose of building a playground on the Albany street waterfront, South End, and that bonds be issued from time to time to cover cost of same.

Referred to the Committee on Finance.

RESURFACING ELLINGTON STREET,  
WARD 14.

Coun. ROSENBERG offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth pavement Ellington street, Ward 14, from Erie street to Blue Hill avenue.

Passed under suspension of the rule.

## HEALTH UNIT, WARD 14.

Coun. ROSENBERG offered the following:

Ordered, That the trustees of the George Robert White Fund, through his Honor the Mayor, be requested to consider the advisability of erecting a Health Unit in Ward 14, in the immediate vicinity of Blue Hill avenue and Talbot avenue.

Coun. ROSENBERG—Mr. President, we were told in a recent communication from the trustees of the George Robert White Fund that they were not now in a position to erect a youth center or recreation center in Ward 14 from the fund. I believe, in view of the fact that several health units have been erected throughout the City of Boston, the trustees might well consider the advisability of locating a health unit in the vicinity of Blue Hill avenue and Talbot avenue, Ward 14, a central location of the Dorchester district. That would be a convenient location for the residents of the district. I trust, therefore, that the order will be passed, and that the trustees of the George Robert White Fund will consider the advisability of erecting such a health unit in Ward 14, in the vicinity suggested, because the residents of that section certainly should have the facilities in this respect afforded to residents of other sections.

The order was passed under suspension of the rule.

## REINSTATEMENT OF FULTON P. WESSON;

Coun. HARRIS offered the following:

Resolved, That the Boston City Council favors the enactment of legislation which will permit Fulton P. Wesson of 431 Shawmut avenue, Boston, to be reinstated to the Boston Police Department.

Passed under suspension of the rule.

## CONFIRMATION OF APPOINTMENTS.

President MURRAY called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor February 14, 1939, of John E. O'Brien and Daniel J. Kelly to be Weighers of Goods.

The question came on confirmation. Committee, Coun. Sullivan and Irwin. Whole number of ballots 16; yeas 16, nays 0, and the appointments were confirmed.

REPORT OF COMMITTEE ON  
ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition (referred February 14) of Joseph N. Greenberg for driveway opening at 455 Washington street, Ward 22—recommending that permit be granted.

Report on petition (referred today) of Boston Terminal Company for permit for driveway opening at Summer street—recommending that permit be granted.

Reports accepted; permits granted under usual conditions.

REMOVAL OF CAR TRACKS, SAVIN HILL  
AVENUE.

Coun. HUTCHINSON offered the following:

Ordered, That the Board of Trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to remove the car tracks on Savin Hill avenue and Stoughton street, Dorchester, which tracks are not being used at present.

Passed under suspension of the rule.

BUS PERMIT ASKED BY EASTERN  
MASSACHUSETTS STREET RAILWAY  
COMPANY.

Coun. KELLY offered the following:

Ordered, That the Committee on Jitney Licenses be requested to submit their report at today's meeting of the Council on the petition of the Eastern Massachusetts Street Railway Company to operate buses between Fall River and Park and Haymarket squares in Boston, so that the entire Council may consider and vote on this matter today.

Coun. KELLY—Mr. President, my reason for introducing this order is that I have had a number of requests from residents of Fall River who want to know whether the members of the Boston City Council are going to take action on the petition of Eastern Massachusetts Street Railway Company. I think the petition has been before us long enough and that is the reason why I have introduced this order today.

Coun. ROSENBERG—Mr. President, I don't know why residents of Fall River should contact Councilor Kelly on the question of whether the Boston City Council is going to pass on this matter, particularly in view of the fact that the Eastern Massachusetts Street Railway Company and persons interested in the petition have gone to the Legislature on the subject without asking or requesting any hearing before the members of the Boston City Council. They evidently are trying to circumvent the action of the Council and are trying to force the members of this body to act by holding a threat over us. I do not believe they were expecting any action from the Boston City Council or looking to us at all in this matter when they applied to the Legislature. If the trustees of the Eastern Massachusetts Street Railway Company really want the Boston City Council to act upon the matter they should apply to this body.

When they came here in the first place, and when the original petition filed by the Eastern Massachusetts Company was rejected without prejudice, the idea was that they were supposed to bring in another petition, to which there might not be the same objection. This they did not do. Evidently they were planning to introduce a bill into the Legislature secretly, which they did, and even the members of the legislative committee and the Corporation Counsel at the time did not know of any hearings that were going on in the matter. I believe, therefore, that the members of the Boston City Council should not act upon this until it has been brought before us in such a way that we can properly do so.

There has been no petition presented to us recently with reference to bringing this bus line into Boston. The people of Fall River are not prevented from coming into the City of Boston, and evidently many people who would be interested in such a line have been misled. The members of the Legislature have had the matter of this bus line presented to them under the impression that people from Fall River could not get into Boston through curtailment of their train service, when as a matter of fact they do have a chance to get in connecting up with our rapid transit lines. I believe, there-

fore, that the Boston City Council should not now be dragged into this matter that is pending before the Legislature, a matter in which we are not concerned in any way. I believe petitions in such matters should be properly presented to us and referred to the Committee on Jitneys or other committees of our Body. I would move, therefore, that this matter be referred to the Committee on Jitneys.

Coun. TAYLOR—Mr. President, it appears to me that the City Council is entirely competent to act upon matters properly presented to it and properly coming under its supervision. It appears in this matter, however, that the Eastern Massachusetts Street Railway Company is using every effort to try to force the Council to put through this measure without giving proper consideration to this Body representing our citizens. The matter is now before the Legislature, and all the arguments in favor of allowing this bus line to go through certain streets in Boston have been advanced. It has been stated that we should not bar from the City of Boston those desiring to come here from outside of the city. In answer to that, I will say this, that the people interested in coming into the City of Boston by this bus line are not people coming here with the intention of spending money, but are people who work in the City of Boston and take money away from the city, but do not pay taxes to the city. I think this matter should go through the ordinary channels. If the members of the Legislature desire to take away from the City of Boston the power it now has, that is up to them, but under no circumstances do I think influence should be exercised in one shape or another to force the City Council to pass this measure. If the Legislature wants to take the power away from us, let them do it. They have done it before in the past. But under no consideration should we allow them to force us to act.

The order was referred to the Committee on Jitneys.

#### NEW STREETS, WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to make a survey of the Moss Hill section of Ward 19 with a view of building new streets and improving the old ones which are found to be in need of repair.

Passed under suspension of the rule.

#### PLAYGROUND, JEFFRIES POINT, EAST BOSTON.

Coun. IRWIN offered the following:

Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to consider the advisability of the construction of a playground at the Jeffries Point section of East Boston from the accumulated moneys of the George Robert White Fund.

Passed under suspension of the rule.

#### OBJECTION TO HOUSE BILL 1722.

Coun. IRWIN offered the following:

Ordered, That the Boston City Council hereby records its objection to House Bill 1722, which provided for the appointment of a Director of Civil Service to replace the present commission.

Coun. IRWIN—Mr. President, I attended a bearing relative to this bill, House No. 1722, last week at the State House, and the points brought out at the hearing with reference to that bill should be explained to members of the Council who have not had an opportunity to read it. The special commission to study the civil service laws, rules and regulations, with a view to revision thereof, was appointed by the Governor of last year under chapter 82 of the Resolves of 1938. Serving on that special recess commission was the chief examiner of the state's civil service, who specifically in the bill is given the position of director. It is an unusual bill in this respect, that for the first time the appointing power, so far as the director is concerned, was not vested in the Governor. It creates the position of director at \$7,500 a year, which is \$2,500 more than the present commissioner receives. The

bill also puts him under the protection of civil service, and this is the first time in the history of the Commonwealth that any head of a department has been placed under civil service. It does create a supervisory board of five commissioners over the civil service division, but the director is supreme. He appoints and removes all officers and employees that may be required to perform the work of the division of civil service, not subject to approval of the other commissioners. He appoints the examiners, without the approval of anybody else. He selects all questions for examinations. He has the right to hire or fire all civil service employees in the department. He also can reject all appeals taken by any applicant, and the applicant has no right of appeal. I point these things out to members of the City Council, because probably they have not read the bill and do not realize what its provisions are. The bill creates a dictator, if there ever was one, and I believe the Council should go on record against it.

The order was passed under suspension of the rule.

#### SMOKE NUISANCE AND RAILROAD ELECTRIFICATION.

Coun. CHASE offered the following:

Ordered, That the Smoke Abatement Commission be requested, through his Honor the Mayor, to submit a report of their activities within the residential section of the mid-town area of Boston; and be it further

Ordered, That the Smoke Abatement Commission be requested to thoroughly investigate and endeavor to abolish the smoke nuisance which exists within the confines of Ward 4.

Ordered, That the City Council respectfully request his Honor the Mayor to consult the railroad, state and Federal authorities relative to the possibilities of electrifying all the railroads within the City of Boston; and be it further

Ordered, That his Honor the Mayor submit a complete report of such consultations to the City Council.

Coun. CHASE—Mr. President, the first order I have introduced relates to the smoke nuisance which we have in certain parts of our city. The smoke nuisance in Boston has been recognized for years, and in an attempt to control and abate it sometime ago there was a Smoke Abatement Commission appointed. But in spite of any efforts that that commission may have made, the smoke nuisance, certainly in the mid-town area of Boston, exists, and should be abolished. As far as I can ascertain, no serious efforts have been made to abolish it. Therefore, I trust that the Smoke Abatement Commissioner, through his Honor the Mayor, will submit a report of the activities of the commission within the residential section of the mid-town area of Boston, and, also, that attempts will be made to abolish the smoke nuisance which exists within the confines of Ward 4. As to the second order, dealing with the question of electrification of the railroads within the City of Boston, I might say that in the city of New York great strides have been made in the direction of such electrification. It has been brought to my attention that much agitation occurred twenty-odd years ago for electrification of the railroads in the City of Boston, but that as yet nothing has been done about it. We have the Federal Government spending millions of dollars in the metropolitan area of Boston on so-called housing projects, supposed to benefit the poor. In the meantime we do not have electrification of the railroads, and the smoke from the railroads, added to the smoke from other sources, constitutes a serious smoke nuisance, affecting the health of our citizens and causing damage to the extent of thousands and millions to property. Something should be done to relieve this condition. Housewives are complaining, real estate men are complaining, people driving about town are complaining. People living in residential areas near railroads are subject to a condition that is a positive menace to their health. Smoke is a nuisance which endangers health. It causes all kinds of diseases. It is something that the government should do something about, and I hope the Mayor will interest himself in the matter. It is much more important to the citizens of Boston to give them clean, fresh air than to erect some of the housing projects that we have seen. The

majority of the people are poor or of the middle class, and they are at least entitled to pure air. I certainly trust that the Mayor of Boston will do something about this. It is about time that something was done. Not only the railroads, but also industries of various kinds, are pouring smoke into nearby houses in our residential districts, polluting the air and damaging property, and nothing is done about it. This smoke nuisance, of course, particularly affects some of our most congested areas where there are neighboring industrial activities. We have a congested area in my district, an apartment house area, which suffers greatly from the neighboring use of cheap smoke-producing soft coal. So there is this terrible nuisance going on, and nothing is being done about it. People are getting sick and tired of its continuance, and the public authorities are apparently doing nothing to stop it. What is the Smoke Abatement Commission doing? What is anybody doing about it? Let us try to have something done which will benefit the people of Boston, giving them clean, fresh air. We have done our part on housing, but what have we done to give the people of Boston clean, fresh air? Nothing. I hope that his Honor the Mayor and other governmental authorities will do something to help the people on this fresh air problem.

The orders were passed under suspension of the rule.

#### RESURFACING OF EASTBURN STREET, WARD 22.

Coun. SULLIVAN offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to resurface with smooth paving Eastburn street, Ward 22, under the W. P. A. type of construction.

Passed under suspension of the rule.

#### RETENTION OF INSURANCE POLICIES BY WELFARE RECIPIENTS.

Coun. GALVIN offered the following:

Ordered, That the Public Welfare Department be requested, through his Honor the Mayor, to permit welfare recipients to retain their insurance policies for six months after being put on the welfare rolls.

Coun. GALVIN—Mr. President, during the past year I have had continual complaint made to me that the Welfare Department has ordered recipients to sell their insurance policies, some of them ten, eleven or twelve years old, and some taken out for the education of their children. Others have been endowment policies. After being on welfare for three or four months, if they have been fortunate enough to get on W. P. A., they have obtained means to revive their policies, but the opportunity to do so was gone. So I believe recipients of welfare should be allowed to retain their insurance policies for six months after being put on the welfare rolls, so that they can be kept in effect until the welfare recipients are able to obtain some permanent work.

The order was passed under suspension of the rule.

#### OLD AGE ASSISTANCE TO PERSONS OF SIXTY.

Coun. GALVIN offered the following:

Resolved, That the Boston City Council favors the passage of legislation now pending before the Legislature which will provide old age assistance for needy persons who have reached the age of sixty years.

Referred to Committee on Rules.

#### USE OF HIGHWAY FUND FOR TRAFFIC LIGHTS.

Coun. ROSENBERG offered the following:

Ordered, That his Honor the Mayor be requested to set aside from the Highway Fund in the budget for the current year a sum sufficient for the installation of traffic lights at the most dangerous frequency-accident intersections.

Coun. ROSENBERG—Mr. President, recently the Legislature sent hack money to the various

cities and towns to be used for emergency highway construction. The question naturally suggests itself, What is the best use of such highway fund money? I believe no more proper use can be made of that fund than to employ it for the construction of traffic lights at the most dangerous intersections throughout the city.

The order was passed under suspension of the rule.

#### INFORMATION RE CITY HOSPITAL.

Coun. WILSON offered the following orders:

Ordered, That in addition to inquiries made in order passed by the City Council on February 20, the trustees of the Boston City Hospital be requested, through the Acting Mayor, to at once advise the City Council if it is correct that:

1. During the week of February 14 there were on duty at the City Hospital 244 graduate nurses paid monthly, 400 undergraduate nurses paid weekly, and about 35 student nurses without pay on probation period and, if not, what are the correct figures?

2. There are about 600 nurses on regular duty at the Boston City Hospital?

3. Twenty-seven nurses were out sick as of February 21, 1939?

4. Student nurses on probation during the first three months put in 11 hours a week in ward work?

5. a. During the probationary period of several months student nurses are on active duty four hours a day and the balance of their working time is in class work? b. The number of such girls averages around 80?

6. The number of beds occupied at the Boston City Hospital on the average is 1,200?

7. The number of beds at the Boston City Hospital at present is 1,450?

8. The number of beds now occupied at the Boston City Hospital is about 1,400?

9. The peak period of illness in Boston extends through the months of March and April?

10. Graduate nurses on duty from 7 a. m. to 8 p. m. put in nine hours' actual work in the wards?

11. Student nurses on day duty now put in 59 hours a week, not including time spent in class work, for meals or rest periods?

12. Student nurses on night duty now put in 77 hours a week, not including time spent in class work, for meals or rest periods?

13. The new Dowling Building is not yet fully opened and in use?

14. The City Hospital Trustees last August, in making up their budget estimates for the year 1939, requested from 35 to 40 additional nurses?

15. The present service of at least 140 student nurses on ward duty amounts to 11 hours a week?

16. Student nurses are now taking academic courses at Boston University, supplementing practical instruction and work at the City Hospital?

17. The average student nurse now in the probation class does only 11 hours of work a week in ward duty?

18. Graduate nurses now work 109 hours a fortnight with one day off in 14, except affiliate nurses who have no day off?

19. Fifty-two graduate nurses at the Boston City Hospital are now serving as floor duty nurses in a supervisory capacity, rendering no direct service to patients?

20. Seven graduate nurses are serving as matrons at three nurses' houses?

21. Five graduate nurses are now assigned in charge of scrubwomen and cleaners at the City Hospital?

22. In the training school office of the City Hospital, in addition to four secretaries and book-keepers, there are 11 graduate nurses now serving as supervisors and instructors?

23. Approximately 50 nurses, for lack of room, are now housed at the Franklin Square House? and he it further

Ordered, That the trustees of the Boston City Hospital be requested, through the Acting Mayor, to advise the City Council:

a. The number of hours per week spent by graduate nurses in classroom or instruction work in addition to their hours of duty in the wards.

b. The number of hours per week spent in classroom work by student nurses on day duty.

c. The number of hours per week spent in classroom work by student nurses on night duty.

Whereas, The trustees of the Boston City Hospital on February 18 stated they "have been

concerned for a long time as to the matter of sufficient nursing personnel and the auxiliary personnel that goes with the care of patients"; and

Whereas, The trustees on February 18 further disclosed that they "have in this year's budget requested an increase in both types of employment with the idea of reducing the working hours of the nursing personnel so that the individuals concerned can give more adequate care to the patients, and, in addition to that, since the submission of the budget,—realizing the importance of this situation,—have submitted further request for additional help in connection with the nursing service"; and

Whereas, The trustees, in a telegram to the City Council on February 20, stated that the hospital was "overcrowded with sick people of every nature in every department"; and asking the Council to suspend the proposed examination for a few weeks "until this grave emergency is passed"; and

Whereas, The recent annual report of the Finance Commission states that "From time to time over a period of years the commission has found it necessary to bring forcibly to the Mayor's attention instances of improper management and control of the City Hospital"; and

Whereas, The Finance Commission disclosed on February 21 that "For nine years the commission has kept on almost permanent assignment at the City Hospital an investigator who has specialized in institution management," and that "The Finance Commission has been a constant critic of management at the City Hospital"; and

Whereas, The Finance Commission, despite the reported nine years of close supervision by a specialist on institution management, is not yet "fully informed on this matter," although the commission reports an opinion that "Student nurses are now spending too much time in the classroom and too little time on the floor in the care of patients"; and

Whereas, Student nurses on night duty in the wards are at present putting in seventy-seven hours per week; and

Whereas, Over two-thirds of the nursing staff at the City Hospital is composed of student nurses; and

Whereas, The hospital is now filled to within fifty beds of capacity, although the annual peak of sickness is not expected until the months of March and April; therefore, he it

Ordered, That the Finance Commission be urgently requested, through the Acting Mayor, promptly to submit its promised report on the matter of nursing care of patients at the Boston City Hospital in order that the City Council may have such helpful information relating to its present inquiry whether the present inordinate working hours of nurses at the hospital and the present lack of nurse attendants in the wards is due to an inadequate number of nurses, as intimated by the trustees of the Boston City Hospital in their budget,—or, as intimated by the Finance Commission, is due to student nurses "spending too much time in classrooms and too little time on the floor in care of patients," or both.

Coun. WILSON—Mr. President, the reason for the introduction of this rather long and detailed order is that I realize that the remarks made in the City Council are probably not read by the Finance Commission. I have therefore thought it well to introduce a detailed order of this kind so as to bring to their attention the importance of complying with the request made. The requests enumerated are in addition to those contained in the order passed at the last meeting of the Council. Last Monday an order making various inquiries of the trustees of the Boston City Hospital was passed by the Council. Doctor Manary as Superintendent

of the Hospital, the Superintendent of Nurses and the Budget Commissioner were all invited to be present. The mother of a student nurse reported certain facts to the Council, most especially relating to inadequacy of active nursing service in the various busy wards of the hospital, unreasonable working hours required of the nursing staff and improper housing of our nurses, together with other facts more directly concerning her own daughter. The result has been a barrage of apparently conflicting statements by the trustees of the hospital and the Boston Finance Commission, together with a number of unfair editorials by certain Boston newspapers unwilling to accept as facts even those items admitted to be true by the hospital authorities themselves. I am quite willing to comply with the request of the trustees that our proposed hearings be suspended for a few weeks, at which time we are assured the hospital authorities will be glad to meet with us. But meanwhile, with the month of March only two days away, I do feel that the question of the number of nurses active in ward work, and the question of hours of active service required of student nurses should be given prompt consideration. Taking the statements of both the Finance Commission and the trustees of the hospital at 100 per cent face value, it is indisputable that there are too few nurses actively on floor duty in the wards at the hospital. Despite smoke screens and propaganda and unfair, inspired comment, any fair-minded person, able to understand English, unescapably must reach that conclusion on reading official statements from the Finance Commission and the Hospital Trustees. The situation existed before the present Mayor was elected. We are dealing with facts and not gossip. Until we have heard all the facts it is not for us to determine whether the situation is due to an insufficient number of nurses, or due to the fact that student nurses are spending too much time in classrooms and too little time on the floor in care of patients, or both. The situation has given considerable concern to the trustees themselves "for a long time." The Finance Commission "has been a constant critic of management at the City Hospital." The peak months of illness in Boston are close upon us. Already the hospital is "overcrowded with sick people of every nature in every department." Certainly we should be able to determine whether there are over 800 nurses at the hospital as stated by Councilor Norton last Monday, or 725 as estimated by Mr. Manning, the chairman of the trustees, or about 600 as stated by Doctor Manary last Tuesday. It would appear that in the "grave emergency" admitted by the trustees to now exist, the Finance Commission, having "for nine years" kept "an investigator specialized on institutional management" in close supervision of the hospital, a report may be expected to clearly define the views of the Finance Commission on the matter at once.

The orders were passed under suspension of the rule.

#### LAVATORY IN COUNCIL LOCKER ROOM.

Coun. CAREY offered the following:

Ordered, That the Superintendent of Public Buildings be requested, through his Honor the Mayor, to equip the lavatory in the locker room of the City Council with an automatic flusher.

Passed under suspension of the rule.

Adjourned, on motion of Coun. FITZGERALD, at 3.16 p. m., to meet on Monday, March 6, 1939, at 2 p. m.





## CITY OF BOSTON.

## Proceedings of City Council.

Monday, March 6, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair and all the members present.

## JURORS DRAWN.

Jurors were drawn under the law, Coun. TAYLOR presiding at the box, as follows:

Eighty-nine traverse jurors, Superior Criminal Court, to appear April 3, 1939:

Charles H. Daniels, Ward 1; Henry M. Dobbins, Ward 1; James F. Ezekiel, Ward 1; Harry E. Malone, Ward 1; Irving J. Mills, Ward 1; Arthur Lent, Ward 2; Frank F. McDermott, Ward 2; Frederick F. Pierce, Ward 2; Alfred Ridings, Ward 2; James A. Roach, Ward 2; John Sullivan, Ward 4; George F. Williams, Ward 4; Hugh J. Dimond, Ward 5; Edward G. Mitchell, Ward 5; Samuel Stepsky, Ward 5; Robert H. Tucker, Ward 5; George W. Cochrane, Ward 6; Stephen F. McDonough, Ward 6; Robert P. McSolla, Ward 6; William Gallagher, Ward 7; Martin Kerrigan, Ward 7; Charles A. McMorro, Ward 7; Charles G. Ray, Ward 7; Joseph Manton, Ward 8; Earl H. Clark, Ward 9; Arthur J. Gallagher, Ward 9; Andrew Donald, Ward 10; John J. Harney, Ward 10; Victor G. Dugal, Ward 11; Francis J. Fleming, Ward 11; Edward P. Keefe, Ward 12; George E. Murray, Ward 12; Robert Siggins, Ward 12; James W. Carruthers, Ward 13; Thomas G. Donahue, Ward 13; John J. Ireland, Ward 13; Francis J. McNulty, Ward 13; Thomas D. Rourke, Ward 13; Robert Ward, Ward 13; Abraham Blacklow, Ward 14; William Bromfield, Ward 14; John H. Hausman, Ward 14; Raymond C. Ingraham, Ward 14; Max H. Kadish, Ward 14; Hyman Langboit, Ward 14; Nathan Levine, Ward 14; Edward Mattson, Ward 14; William J. Welch, Jr., Ward 14; John D. Beaton, Ward 15; William A. Burgess, Jr., Ward 15; Wilbur G. Hutchins, Ward 15; Maurice S. Miller, Ward 15; Anthony J. McDonough, Ward 16; John F. McTague, Ward 16; Paul F. Molloy, Ward 16; William P. Norton, Ward 16; Harold E. Roster, Ward 16; Robert A. Snow, Ward 16; Otto Branting, Ward 17; John J. Coogan, Ward 17; Herbert F. Frederic, Ward 17; Adolph J. Lundstedt, Ward 17; George J. Addison, Ward 18; Thomas J. Buckley, Ward 18; Henry M. Casey, Ward 18; Archibald R. Duncan, Ward 18; Thomas Moore, Ward 18; John Pistonio, Ward 18; Joseph Porter, Ward 18; James A. Shelley, Ward 18; James T. Tolland, Ward 18; Pierce Joseph Bruen, Ward 19; Leo K. Murphy, Ward 19; Richard C. Reynolds, Ward 19; Gerald A. Simpson, Ward 19; James F. Williamson, Ward 19; M. Guy Archibald, Ward 20; Ralph G. Caldwell, Ward 20; William F. Ehrlich, Ward 20; Charles F. Smith, Ward 20; John Anderson, Ward 21; James S. Devine, Ward 21; Edmund J. Farrell, Jr., Ward 21; Arthur E. Flynn, Ward 21; Fred H. Murphy, Ward 21; Leslie J. Brackett, Ward 22; Walter F. Crane, Ward 22; Charles W. Davis, Ward 22; James J. McGuire, Ward 22.

Eighty-eight traverse jurors, Superior Civil Court, April Sitting, to appear April 3, 1939:

Charles H. Lambert, Ward 1; Charles H. Maginn, Ward 1; Joseph Visto, Ward 1; Edward J. Powers, Ward 2; William H. Cuddy, Ward 3; Frank Orlando, Jr., Ward 3; Robert F. McLaughlin, Ward 4; John T. Hanlon, Ward 5; Lawrence A. Smyth, Ward 5; Chester M. Stevens, Ward 5; Charles J. Burke, Ward 6; Daniel C. Donovan, Ward 6; Walter G. Hartel, Ward 7; George F. McGrath, Jr., Ward 7; William J. O'Donnell, Ward 7; Hugh J. C. Burns, Ward 8; Timothy J. Conlon, Ward 8; William A. Hagerty, Ward 8; Theodore Brinkert, Ward 9; Arthur J. Deery, Ward 9; John C. Kelliher, Ward 9; Daniel F. Sullivan, Ward 9; Arthur A. Adams, Ward 10; John M. White, Ward 10; Michael J. English, Ward 11; Joseph Foley, Ward 11; Bertram S. Frankenstein,

Ward 11; John S. Gourley, Ward 11; Stephen W. Glover, Ward 11; Francis A. Kelley, Ward 11; Thomas McCormick, Ward 12; John Robinson, Ward 12; Michael J. Cahill, Ward 13; James M. Curley, Ward 13; John C. Hagelston, Ward 13; John J. O'Connor, Ward 13; Joseph L. Anderson, Ward 14; Harry Kotzin, Ward 14; Charles Kraft, Ward 14; Jacob Lipsky, Ward 14; Bert J. Loewenberg, Ward 14; Joseph Macaluso, Ward 14; Leo Shuman, Ward 14; Jacob M. Smith, Ward 14; Benjamin Sturman, Ward 14; Herbert S. Waterman, Ward 14; Herbert M. Welling, Ward 14; Charles H. Hayes, Ward 15; Frederick A. Kopp, Ward 15; Charles A. Langguth, Ward 15; Edward A. Daly, Ward 16; Paul R. Delaney, Ward 16; Timothy T. Dwyer, Ward 16; Joseph R. Hardy, Ward 16; John F. McGovern, Ward 16; Jerome C. O'Connell, Ward 16; Edward J. Ronan, Ward 16; William R. Welch, Ward 16; Joseph P. Downing, Ward 17; James Gillispie, Ward 17; Carl J. Hyson, Ward 17; Joseph C. Leary, Ward 17; Arthur Loring, Ward 17; Abraham Marsman, Ward 17; Charles J. Murphy, Ward 17; William A. Bueckley, Ward 18; Herbert W. Jank, Ward 18; Walter H. Fausel, Ward 19; Daniel E. Holmes, Ward 19; Richard D. Purcell, Ward 19; Ralph G. Graham, Ward 20; Vail K. Haak, Ward 20; Thomas F. Neas, Ward 20; Timothy J. O'Brien, Ward 20; Elmer E. Wieher, Ward 20; Joseph F. Colbert, Ward 21; Herman Drews, Ward 21; George Harris, Ward 21; Edward McGrath, Ward 21; Frank H. Nolan, Ward 21; Edward J. Phillips, Ward 21; John T. Rafferty, Ward 21; George E. Barry, Ward 22; Arthur P. Cotter, Ward 22; Charles F. Flaherty, Ward 22; Joel R. Lewis, Jr., Ward 22; William Ready, Ward 22; Joseph A. Smith, Ward 22.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments viz.:

Weighers of Coal: Raymond W. Tinkham, 18 Oakland street, Newton, Mass.; Samuel A. Levine, 68 Norwell street, Dorchester, Mass.; Thomas P. McGuinness, 58 Mansfield street, Allston, Mass.

Weighers of Goods: John Peshin, 103 West Sixth street, South Boston, Mass.; Walter F. Duggan, 76 Bigelow street, Brighton, Mass.

Severally laid over a week under the law.

## VETO OF LEGISLATION INCREASING POLICEMEN'S PENSIONS.

The following was received:

City of Boston,  
Office of the Mayor, March 6, 1939.  
To the City Council.

Gentlemen,—I return herewith without my signature and disapproved two resolutions of your Honorable Body—one in favor of legislation to increase the pensions of policemen formerly pensioned on account of injuries to an amount equal to that which would be allowed under the Retirement Act to a policeman presently retired for the same reason; and the other favoring a similar provision in the case of a former policeman, Fred G. Trask.

Prior to the adoption of the Retirement System a large number of employees, including laborers, firemen, policemen, school teachers, etc., were granted free pensions of amounts based on the salary schedules at the time of pensioning, and the City of Boston is still under a charge of over \$900,000 for such pensions.

The claim that these pensioned policemen should receive an increase in pension because someone else who was pensioned later gets a larger amount is equally applicable to firemen, laborers and school teachers, therefore the proposed legislation would establish a precedent which logically would call for similar increases for the other classes of employees.

The city is in no position to indulge in any generous impulses, especially when such action might lead to an estimated increase of more than \$800,000 a year in free pension payments.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Severally placed on file.

**SALE OF LAND TO MERCHANTS NATIONAL BANK.**

The following was received:

City of Boston,  
Office of the Mayor, March 6, 1939.  
To the City Council.

Gentlemen.—I submit herewith an order for the sale to the Merchants National Bank of two square feet of land on Congress street, being a portion of said street discontinued by the Board of Street Commissioners. The order is accompanied by an explanatory letter from the Corporation Counsel, and I see no objection to and recommend its passage.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, March 3, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor.—By a resolve and order of the Board of Street Commissioners of the City of Boston approved by the Mayor of Boston on February 14, 1939, Dock square, a highway in Boston, was widened from Devonshire street to Congress street and about 325 square feet of the premises belonging to the Merchants National Bank were taken for street purposes, in order that said widening might be accomplished.

By a resolve and order of the said Board of Street Commissioners, approved by his Honor the Mayor February 14, 1939, a portion of Congress street, containing two square feet, was discontinued. The said discontinuance is shown on a plan marked "City of Boston, Dock Square, Boston Proper, December 31, 1938, William J. Sullivan, Chief Engineer, Street Laying-Out Department." This discontinued portion of Congress street is contiguous to the property of the Merchants National Bank. The Merchants National Bank desires to obtain ownership of this discontinued portion of Congress street and is willing to pay the sum of two dollars therefor.

I am informed by the Commissioner of Public Works of the City of Boston that the said discontinued premises are no longer needed for public purposes and I am inclosing an order herewith which may be introduced in the City Council if the matter meets with your Honor's approval, authorizing the conveyance of all the city's right, title and interest in the said parcel of land to the Merchants National Bank.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Whereas, By a resolve and order of the Board of Street Commissioners of the City of Boston, approved by his Honor the Mayor of Boston February 14, 1939, Dock square, a highway in Boston Proper, was widened from Devonshire street to Congress street and three hundred and twenty-five (325) square feet of the premises belonging to the Merchants National Bank of Boston were taken to accomplish the said widening; and

Whereas, By vote dated February 8, 1939, the Board of Street Commissioners of the City of Boston determined that no person sustained damage by said widening and made no awards for damages on account of said widening; and

Whereas, The Board of Street Commissioners of the City of Boston, by a resolve and order approved by his Honor the Mayor of Boston February 14, 1939, discontinued a portion of Congress street, consisting of two square feet, contiguous to the premises of the Merchants National Bank of Boston; and

Whereas, The Merchants National Bank of Boston is desirous of obtaining the ownership of said two square feet; and

Whereas, The said two square feet are no longer needed for public purposes; now, therefore, it is hereby

Ordered, That his Honor the Mayor be, and he hereby is, authorized by an instrument in writing, satisfactory in form to the Law Department of the City of Boston, and in consideration of two dollars (\$2.00) paid to the City of Boston by the Merchants National Bank of Boston, a corporation organized under the laws of the

Commonwealth of Massachusetts, to convey to the said Merchants National Bank of Boston all the city's right, title and interest in the said two square feet discontinued as aforesaid.  
Referred to Executive Committee.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, viz.:

**Claims.**

J. F. Adelman, for compensation for damage to car caused by an alleged defect in Commonwealth avenue.

Carl Carlson, for compensation for damage to car by city truck.

Neil P. Coyle, to be reimbursed for judgment issued against him.

Blanche Cuneo, for compensation for damage to property at 82 Endicott street, caused by fire truck.

Frank Donlan, to be reimbursed for judgment issued against him.

William Finn and Max Carlin, for compensation for injuries and damage to property caused by police car.

First National Bank of Boston, for compensation for damage to property at 219-225 Washington street, caused by city truck.

Elizabeth P. Galvin, for compensation for damage to car caused by ice from roof of English High School.

Huntt's Cafeteria, for compensation for damage to truck by city team.

Hyman Itchcovitz, for compensation for injuries caused by police car.

Edward F. Kakas & Sons, Inc., for compensation for damage to truck by city wagon.

James A. Kelly, for compensation for injuries caused by an alleged defect at 50 Ivy street.

Mrs. E. Mahoney, for compensation for collapse of water boiler at 17 Greenville street, caused by water being shut off.

Mrs. John McInnis, for compensation for injuries caused by an alleged defect at East Seventh street.

Dr. E. C. Rodman, for compensation for injuries and damage to property caused by city car.

Arthur P. Teele, for compensation for damage to coat caused by catching on ash harrel on School street.

**Committee on Ordinances.**

Petitions for driveway openings, as follows:  
Boston & Albany Railroad Company, 56-91 Huntington avenue.  
Joseph F. Ezrin, 363-371 Tremont street.

**NOTICE OF INTEREST IN CONTRACTS.**

Notice was received from Henry J. Smith of Hornhlower & Weeks of sale by his firm of bonds to various funds of City of Boston.

Notice was received from William H. Ellis, member of Board of Appeal, of award of contract for repairs to fender guard of Meridian Street Bridge to firm of W. H. Ellis & Co.

Notice was received from William Stanley Parker, chairman of City Planning Board, that he had been engaged by Boston Housing Authority to advise it in regard to certain zoning problems connected with its housing projects, his services being professional services on a per diem basis.  
Severally placed on file.

**REPORT OF BOSTON MUNICIPAL RESEARCH BUREAU.**

A report from the Boston Municipal Research Bureau, dated March 1, 1939, was received, giving basic information dealing with Boston finances and discussing more important trends of past decade, etc.  
Placed on file.

**SOLDIERS' AID.**

Coun. ENGLERT submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of March, 1939.

Report accepted; said order passed.

REPORT OF COMMITTEE ON  
ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted a report on petition of Morris Swartz (referred February 27) for driveway opening at 147 Belgrade avenue, Ward 20—recommending that a permit be granted.

Report accepted; permit granted on usual conditions.

MUSICAL FUNCTION, SCHOOL  
DEPARTMENT PUPILS.

Coun. CHASE offered the following:

Whereas, The Boston School Department is sponsoring a musical function at Symphony Hall on March 15; and

Whereas, The City of Boston, through its School Committee, is financially responsible for this occasion; therefore, he it

Resolved, That the Boston City Council, in meeting assembled, respectfully urges that in order to encourage the Boston public school students in the study of music, all participants in this musical function be restricted to Boston public school students; and he it further

Resolved, That a copy of this resolution be immediately sent to each member of the Boston School Committee.

The resolution was passed under suspension of the rule.

W. P. A. PROJECT FOR SIDEWALKS ON  
MORTON STREET.

Coun. WILSON offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to include, in a W. P. A. project, asphalt sidewalks on Old Morton street, between River street and Morton street, and also on Morton street, between Gallivan Boulevard and Washington street, in Ward 17.

Passed under suspension of the rule.

OPPOSITION TO HOUSE BILL 2645.

Coun. WILSON offered the following:

Resolved, That the City Council he, and hereby is, recorded in opposition to House Bill 2645, filed by Representative Hamilton Fish in the 76th Congress, in its present form, which would seem to make unlawful any meeting, drill or parade, even by fraternal organizations; and he it further

Resolved, That the City Clerk be directed to forward a certified copy of this resolution to the Clerk of the House of Representatives in the 76th Congress.

Coun. WILSON—Mr. President, I ask that the resolutions be passed under suspension of the rule. While I realize that the bill proposed by Congressman Hamilton Fish was introduced with the best of motives behind it, it would seem that the bill in attempting to remedy a serious situation goes from one extreme to the other. The bill is entitled: "A Bill to regulate the formation and activities of private military forces in the United States, and for other purposes." It provides in Section 3:

"It shall be unlawful for any five or more persons to organize or to associate together as/or in a camp, club, company, organization, association, society, or any other fashion, for the purpose of drill or parade with firearms or other dangerous weapons, or with imitations, copies or replicas thereof, or for any five or more persons, whether organized or not, to engage in such drill or parade in any public or private place."

As I read that act, in its present form, while, as I say, the motive behind it may have been of the best, it might prevent such fraternal organizations or associations as the Ancient and Honorable Artillery, the Knights of Columbus, the Odd Fellows, Knights Templars or other such organizations from drilling in their own halls or parading in a perfectly proper way.

Coun. TAYLOR—Mr. President, while I am not opposed to the resolutions offered by the councilor, and am not a member of the organizations he has named, I think before we pass such resolutions too hastily they should be referred

to the Committee on Rules for consideration, so that we may have the bill itself before us before passing judgment.

Coun. WILSON—Mr. President, I would suggest that it be referred to the Executive Committee.

Coun. TAYLOR—Mr. President, I have no objection to that.

The resolutions were referred to the Executive Committee.

OPINION REQUESTED ON CITY HOSPITAL.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to at once advise the City Council whether the provisions of sections 1 and 2 of chapter 113 of the Statutes of 1858, entitled, "An Act Authorizing the City of Boston to Establish a City Hospital," are still in full force and effect and, if not, then in exactly what respects has this statute been altered, amended or repealed.

Coun. WILSON—Mr. President, I might say that the information obtained through the passage of this order may very well be helpful incident to the proposed investigation of the City Hospital. In section 1 of the statute referred to, chapter 113 of the Statutes of 1858, being an act authorizing the City of Boston to establish a city hospital, we find this language:

"The city of Boston is hereby authorized to erect, establish and maintain a hospital for the reception of persons who, by misfortune or poverty, may require relief during temporary sickness."

It lies in my mind, and I believe we will find as a result of the investigation, that the original purpose in erecting, establishing and maintaining the hospital,—the care of those who, by misfortune or poverty, might require temporary aid,—has been lost sight of, and that the number of private patients placed in this great institution by medical men and others with sufficient influence at the hospital, has limited to some extent the care of the unfortunate and poor. I make that statement advisedly, because I believe, if I were called upon to prove it, I could give names and dates of cases where unfortunate poor sick people of Boston have been taken to the hospital by ambulance or conveyance, have not received the care they should have, and have been sent away. Therefore, I have asked in this order whether this statute establishing the hospital in 1858 has since been altered, amended or repealed in any particular. I would like that information before proceeding further. I am inclined to believe that one reason why there is not always at the present time accommodations for persons who, by reason of misfortune or poverty, may require relief during temporary sickness, is because of the use of the beds by such other patients as I have referred to. Therefore, I am asking for this information before we proceed further. I might add that section 2 of the Acts of 1858, if it has not been altered in any way, provides that "the City Council of said city shall have power to make such ordinances, rules and regulations as they may deem expedient for the appointment of trustees and all other necessary officers, agents, and servants, for managing the said hospital." I think, when the Committee on Hospitals takes up these various matters that have been temporarily postponed it will be, of course, advisable for us to know the City Council's power in the matter.

The order was passed under suspension of the rule.

ONE DAY OFF IN SEVEN FOR POLICEMEN.

Coun. WILSON offered the following:

Ordered, That the Boston City Council hereby accepts the provisions of chapter 122 of the Acts of 1938, providing for one day off in every seven days for police officers of the City of Boston.

Coun. WILSON—Mr. President, as I remember it, in 1937 an act was passed by the Legislature giving permission to local cities and towns to allow at least one day off in seven to police officers in every city and town in Massachusetts except the City of Boston. Because the Boston Representatives and Senators were not interested, Boston was made the one exception. That exception was apparently cured in the session of 1938, so that the act to which I have made reference, chapter 122 of the Acts of 1938, permits the City

of Boston to give to the members of its Police Department one day off in seven, in accordance with the police force practice in every large city of the country. It is for that reason that I have offered this order at this time. I do not believe in allowing our Police Department or any other department to indulge in luxury or idleness, but, as I view it, the members of the Police Department are not idle. For instance, on election days many of them are not only busy during the voting hours, but also through the night, and when they get through that duty they frequently have to report for other police duty the following morning and put in another day's work. I have in mind the fact that the police of Boston frequently, after working on night duty, must be in attendance the next morning at the office of the District Attorney or in the courts of the Commonwealth. They were given double duty, for example, recently, during the drive against the crime wave in the City of Boston. I understand that as a result of the order passed by this Council in that connection, a large number of day men were placed on night duty, that many of the day shift in various stations were ordered out also at night, and then the next day had to take up other duties of the department. That was because of the splendid efforts by the Police Commissioner to cut down crime in the City of Boston. I do believe in this modern day, when such efforts are being made to prevent sweatshop and other such conditions, calling for long hours of labor, the men on our police force, as well as other employees in the community, should have their day off in the week. I also bear in mind what I believe to be a fact, unless it has recently been corrected, that a member of the Police Department is not even permitted to go beyond the city boundaries without the consent of his commanding officer. Certainly, the men in that department who are obliged to risk their lives and subject themselves to all sorts of dangers in the performance of their duty, and who are now compelled to give long hours of service, putting in extra time without additional compensation, should at least be given one day off in seven, something which I believe is given to every police officer in every other large city of the country today.

The order was passed under suspension of the rule.

#### DEMOLITION OF ATLANTIC AVENUE LOOP.

Coun. WILSON offered the following:

Whereas, The train service on the Atlantic avenue loop has been discontinued for some six months by the Boston Elevated Railway Company; and

Whereas, The structure having thus been virtually abandoned still remains on the streets of Boston as a needless traffic hazard; and

Whereas, There is reported to be a movement on foot to pay a large sum of money to the Boston Elevated Railway Company for a conveyance of this abandoned structure; therefore, be it

Resolved, That the Boston City Council favors the enactment of such legislation as shall at once cause the so-called Atlantic avenue loop to be promptly demolished and removed by the State Public Works Department or such agency as may be necessary for such work under the law.

Coun. WILSON—Mr. President, some months ago at my request the City Council unanimously passed a resolution approving the enactment of legislation to provide for the removal of the elevated structure of the Boston Elevated from the junction of Washington and Castle streets to the junction of Causeway street, known as the Atlantic avenue structure, said structure being no longer used for the transportation of passengers, and the Law Department was directed to bring proceedings in the General Court of 1939 to accomplish such removal. The proposed act which was introduced (House Bill 116) appears to provide for the purchase of the structures by the city and removal of same by the city. The amount to be paid the Elevated as full compensation for such conveyance and for any alleged loss or damage resulting to the company by reason of the removal of the elevated structure was left open. As long ago as March, 1937, when at least part of the Atlantic avenue route was still in use, Mr. H. I. Harriman, then chairman of the trustees of the Elevated, in a letter to the chairman of the Committee on

Metropolitan Affairs in the Legislature, while endeavoring to show that the book value of this dilapidated structure was over three million dollars, made several important admissions. Among other summarized advantages of removing the Atlantic avenue route, he pointed out that it would effect a saving of approximately \$200,000 per year in the operating expenses and carrying charges of the Elevated; that it would be of substantial benefit to property along Atlantic avenue and in the downtown section, eventually resulting in substantial increases in valuation and taxes, and that it would largely increase the usefulness of Atlantic avenue as a thoroughfare. As part of the sales talk he further pointed out that the cost of the scrap iron obtained should almost meet the cost of removing the structure. Since March of 1937, almost two years ago, we have been told that the demolition would result in no net loss, because of the increased value of scrap iron. Train service on the final link in the Atlantic avenue elevated structure, as I remember it, was discontinued last autumn, some six months ago. During the term of the operation the Atlantic avenue line was a loss, and the deficit charged back to the City of Boston over a period of years amounted to thousands of dollars. Two years ago Mr. Harriman admitted that closing the line would result in a saving of \$200,000 annually. The Elevated Railroad, because of cessation of all train service on the loop, would seem to have abandoned its franchise. This unsightly, noisy, unsanitary and derelict traffic hazard still remains on the streets of the City of Boston. It should be demolished. If it still remains on the books of the Boston Elevated Railway as one of its watered assets, that is no concern of ours. If it could not be demolished, torn down and removed without any net loss, I believe the Elevated should be forced to clear away this abandoned eyesore. But it can be demolished without any real expense in view of the salvage value of the scrap iron. The present monstrosity should be at once condemned, just as any dilapidated, unoccupied and abandoned building or other structure on land belonging to you or to me would be condemned. It is a source of filth and cause of disease. It destroys adjacent property values. It is a continuing, unnecessary and dangerous traffic hazard. I see no logical reason why the City of Boston should pay anything for it. If the Elevated wants to quibble or haggle about it, then let us force their hands at the present time. I believe our Law Department and the Mayor can see to it that for once the City of Boston receives a square deal. The car-riding public and the taxpayers of Boston have been sold out to the Elevated long enough. Here is the opportunity for the city government to show what it can do.

Ordered, That the Building Commissioner, through his Honor the Mayor, be requested to at once condemn that part of the elevated structure of the Boston Elevated Railway Company now abandoned, and known as the Atlantic avenue loop; and, further, that he be requested to provide for its early demolition either as a W. P. A. project or otherwise, unless same is removed by the Boston Elevated.

Coun. WILSON—Mr. President, I bear in mind the excellent point made in the report of 1938 by the special commission to investigate relative to the removal of the Atlantic avenue section of the road, that the taxpayers have in effect already paid for the Atlantic avenue structure, and that caused the special commission of 1938 to express the opinion that the structure should be transferred to the City of Boston without any further payment. I read from section 4 of the existing building law, as follows:

"The commissioner, or one of his inspectors, shall inspect every building or other structure which he has reason to believe is unsafe or dangerous to life, limb or adjoining buildings," and he has authority to remove the same.

And under section 5:

"If the public safety so requires, the commissioner, with the approval of the Mayor, may at once enter the building or other structure which he finds unsafe or dangerous, the land on which it stands or the abutting land or buildings, with such assistance as he may require, and secure or remove the same," and for this purpose may close a public highway. The expense incurred thereby may be recovered from the owner thereof in action of contract.

Therefore, Mr. President, I urge seriously, in view of the present conditions—and bearing in

mind that this dilapidated structure has for years been subject to waterfront obsolescence and depreciation on one of the most traveled traffic routes in Boston—in fact, the heaviest traffic route between the North and South Shores—that that structure, which has been definitely abandoned for good or bad—especially for good—by the Boston Elevated as long ago as October, should now be condemned. I believe, under the present law, such an old, archaic, dilapidated structure may be found by the Building Commissioner, if he really wants to do it, to be subject to condemnation proceedings. The Boston Elevated could then be notified to take it down or salvage the cost of taking it down; but the Building Commissioner would have the right to go in under condemnation procedure. He could do it, or it might be done by the Public Works Department. But, while the structure should be abolished, if there is a movement on foot incident to that—and this would be in line with past history—to pay the Elevated an additional amount for this abandoned structure, thereby hamstringing the city, it should certainly be turned down. While this may appear on the books of the Elevated, certainly at the present time and under the circumstances there is absolutely no rhyme or reason for the Elevated being paid one cent by the city for this abandoned structure, and for that reason I ask that the Building Commissioner be requested, through his Honor the Mayor, to at once condemn that part of the elevated structure known as the Atlantic avenue loop, and that he be requested to provide for its early demolition, either as a W. P. A. project or otherwise, unless it is removed by the Elevated. Certainly, the City of Boston should be put to no further expense in the matter to help out this defunct railroad.

Coun. SHATTUCK—Mr. President, there are so many whereases attached to the resolution just read that I would like a chance to look it over. Therefore, I move its reference to the Executive Committee.

The order and resolution were referred to the Executive Committee.

OPPOSITION TO PURCHASE OF ELEVATED COMMON STOCK.

Coun. WILSON offered the following:

Resolved, That the City Council of the City of Boston hereby opposes the purchase of the 238,794 shares of the common stock of Boston Elevated Railway Company, at \$60 per share, total, \$14,327,640, or at any price, by the fourteen cities and towns of Boston Metropolitan District, as provided by House Bill 154 of 1939, "An Act Authorizing Retirement of the Common Stock of Boston Elevated Railway Company"; and the Corporation Counsel for the City of Boston, through his Honor the Mayor, is hereby requested to oppose said bill at hearings before the Committee on Metropolitan Affairs, on March 13, 1939, or any other dates, and before any other committees of the General Court where said bill may be heard; and said Corporation Counsel is also requested to oppose the passage of said bill before the Senate and House of the General Court.

Coun. WILSON—Mr. President, lest it might be said that this is an affair of the Legislature, and within its province—I will admit that the Legislature has taken unto itself many of the proper functions of the city government of Boston—I desire to point out the very obvious fact that, because of the present set-up of the road, the taxpayers of the City of Boston are probably paying about 60 per cent of the annual deficit of the Boston Elevated. Despite the desire of some members of the Legislature to run the City of Boston for us, I believe that a locality that has been really paying from 50 to 60 per cent of the freight annually for years is the locality that is primarily interested in any attempt to buy the worthless stock of the Boston Elevated through action of this year's Legislature. There is a lot of money involved; there is a lot of powerful pressure being brought to bear to put this thing through. We have all seen figures of the Boston Elevated stocks and bonds. There are powerful factors behind this proposal to pay \$60 a share for stock that is not worth a dollar. I honestly believe that, unless public opinion is aroused, because everyone is so tired out on this Elevated question, there might be jammed through the Legislature a bill, strange as it may seem, to pay

real money for worthless stock; and I believe it is incumbent upon the City of Boston to make its stand plain at the very outset concerning this matter at the hearing on the 15th of March on the bill to purchase this worthless stock at a high price. Let our position be known at this time, as well as before the committee that is giving a hearing upon the matter. I believe it is incumbent upon us to take a stand on this matter and do what we can to prevent this calamity at this or any other time. In view of the effort that is being made to use public funds, directly or indirectly, to bail out the stockholders of this company in any such way, I believe we should make our position clear once and for all. I trust that this resolution will be passed.

Coun. SHATTUCK—Mr. President, I think probably the Elevated stock is not worth \$60 under present conditions, but certainly it is worth a good deal more than a dollar, because, unfortunately, we have had to pay \$5 a share on it for some years and are under a contract to do so until the end of the period of public control. That certainly makes the stock worth something, irrespective of the value of the assets. It would be very pleasant to get that stock for \$1 per share, where \$5 per share is to be paid upon it for the next twenty years. It would be a great bargain. Therefore, I do not believe we should pass the resolution the gentleman has offered, which says that the stock should not be purchased "at any price."

Coun. WILSON—Will the gentleman yield for a question?

Coun. SHATTUCK—Certainly.

Coun. WILSON—Assuming that the Elevated Company is insolvent, is there anything to prevent receivership proceedings?

Coun. SHATTUCK—The Control Act provides that the district shall pay the entire operating expenses during the period of control plus \$5 per share on the stock, and that any deficit shall be charged to the district. I don't believe that the Elevated is insolvent, and if it is insolvent this guaranty is an asset. I assume that it is an asset of value.

Coun. WILSON—Then, the theory is that because we are stuck millions of dollars the road is not insolvent?

Coun. SHATTUCK—Mr. President, I am not defending the act, but am simply speaking of what exists because of what has been done.

Coun. TAYLOR—Mr. President, I would like to ask whether or not the Legislature would have a right to do these things when there is already in existence a contract between the Elevated and the State, I presume, to pay the dividend over a series of years?

Coun. WILSON—Mr. President, I would not attempt to pass on the legal question involved, except that I know that House Bill 1154 has been introduced into the Legislature to authorize the buying of the common stock of the Elevated at \$60 a share; and, with all due respect for what the gentleman from the Back Bay (Coun. Shattuck) has said, I personally am sold on the belief that there is some other refuge for the taxpayers of the fourteen cities and towns involved than under the bill proposed. I believe the bill providing for the payment of \$60 or any amount for the stock of the Boston Elevated positively should be defeated, and that our attitude in the matter should be made very clear.

On motion of Coun. SHATTUCK the resolution was referred to the Executive Committee.

REPORT OF COMMITTEE ON JITNEY LICENSES.

Coun. ENGLERT, for the Committee on Jitney Licenses, submitted the following:

1. Report on petition of Boston Elevated Railway (referred February 14, 1938) for license to operate motor vehicles between Ashmont Station and Dudley Station—that leave be granted.

Report accepted; said license granted.

2. Report on petition of Boston Elevated Railway (referred January 23) for license to operate motor vehicles between Sullivan square and Everett line—that license be granted.

Report accepted; said license granted.

3. Report on petition of Boston Elevated Railway (referred January 30) for license to operate motor vehicles between junction of Dorchester

avenue and Broadway and junction of Dorchester avenue and Summer street—that license be granted.

Report accepted; said license granted.

4. Report on petition of Eastern Massachusetts Street Railway Company (referred September 26, 1938) for license to operate motor vehicles from Mattapan to Haymarket square—that petitioner have leave to withdraw.

Coun. ENGLERT—Mr. President, upon the petition of the Eastern Massachusetts Street Railway Company to run these buses from Mattapan to Haymarket square, I desire to say just a word. If the committee grants this petition, it means eighteen trips to be run from Mattapan to Park square and Haymarket square, and Egleston square, in my district, one of the most congested parts of the City of Boston, will be on the route. We are endeavoring to make arrangements which will result in better traffic conditions there. There have been several accidents in that section recently, and there is a bad traffic situation which should be corrected. I hope the Council today will vote against granting this permission to run these buses from Mattapan into Park and Haymarket squares over that route. I think the people of Fall River would be better off if they went to Ashmont Station and took the elevated from there into the City of Boston, to the corner of Summer and Washington streets. But if this petition is granted, it means that people will be dumped off at Park square, for example, and then have a ten or fifteen minute walk to the business section of Boston, simply in order that the Eastern Massachusetts may get perhaps \$25 a day more. I hope the Council today will vote against granting this permit.

Coun. ROSENBERG—Mr. President, this petition of the Eastern Massachusetts Street Railway Company has been given careful study by the members of the Jitney Committee, as you have heard from the chairman of the committee. The people of Fall River and Taunton now come into Boston by way of the Ashmont Station. If the Eastern Massachusetts Company had really wanted to be fair to the residents of Fall River, it would have given to those people an express service coming to Ashmont Station or Mattapan Station. The running time on which they are now operating is two and a half hours into Ashmont Station. By an express route we were informed by Mr. Cummings, vice president of the Eastern Massachusetts Street Railway Company, that the running time to Mattapan or Ashmont Stations would be one hour and fifteen minutes. By the proposed extension of their bus route into the city the time would be extended at least half an hour, whereas if the passengers were transferred to the rapid transit route they would come in in twenty minutes. But the Eastern Massachusetts evidently did not want to have the riders get that type of service, but intimated that the people of Fall River, evidently brought up on a soft diet, could not be expected to change at Ashmont or Mattapan, that they wanted to go through. I don't like to get up on the floor of this Council unnecessarily, but when the newspapers of greater Boston term Blue Hill avenue "the highway of slaughter" and "death valley," and ask who is to be killed next, I think it becomes a matter requiring serious consideration. When we see Blue Hill avenue, one of the finest highways in the City of Boston, referred to as the most dangerous highway in the city, a place where more people have been killed and maimed than anywhere else, it certainly demands our attention. Editorials continually ask, "When Will The Slaughter Stop?" When Mr. Cummings was asked in the Committee on Jitneys whether, if he were a member of the Boston City Council or of a city council of a city or town where a permit like this was asked for through a highway where so many persons had been killed or injured, he would vote in favor of it, he was not in a position to answer. There he was, the vice president of a transportation company, asking for this privilege and taking that position. Was he fair to the committee in trying to get his bus route through that highway? Mr. Cummings could have answered that question. He knew what the answer was. He knew that he, as a member of a city council or board of aldermen where such a permit was asked for would not vote in favor of a bus line that would so threaten the residents of the city or town. We all know the conditions going with bus routes. We know the amount of space that buses take along the roads. You and

I have had the experience of driving automobiles in front of or behind such buses, and we know what a threat, what a danger their operation along our roads is, no matter how careful the drivers may be or attempt to be. When the Elevated lines and subways were provided, the intention was to keep such traffic off the surface of the highways. Why is it that they do not want to connect up with the rapid transit service at Ashmont Station or Mattapan square? Simply that the company operating the buses may receive additional revenue. Mr. Cummings thought that the additional amount would be probably \$25 a day, or possibly less. He said that he could not give the true figures. If those buses connected up with the rapid transit system at Ashmont or Mattapan, there would be a substantial amount received by the Boston Elevated, which would help on the deficit that is assessed on Boston and other cities and towns of the district. But these people are indifferent to the wishes or the interests of the citizens of Boston. They are only interested in the Eastern Massachusetts Street Railway Company. We find also that the operators of the cars between Mattapan and Egleston square are now forced, I understand, to make the route in seventeen minutes, and they have to work like the devil to keep that schedule. The fact that they were endeavoring to keep to the schedule might very well have caused that accident at the corner of Blue Hill avenue and Seaver street, by reason of their speed in making up time. That may well have been the cause of this recent accident at that corner, where six unfortunate persons lost their lives and many others were injured, and it is more than likely that other serious accidents would occur from bus lines operating along that route. We sometimes hear the words, "It can't happen here!" Well, perhaps it would not happen with Boston Elevated cars traveling with safety rather than with speed in mind. We certainly want to be on the lookout to see that accidents of this type do not prevail with other traffic on that highway. Talking of service, Mr. Cummings said that the people of Fall River, unless this permit is granted, will feel sort of isolated from Boston. I don't know whether he thought he was talking to schoolboys. He ought to know that people of Fall River who want to go to Boston go there. They have to travel farther to get to Providence than to get to Boston. As for train service, they are still getting six-train service a day from Fall River to Boston, and I am informed that the Brotherhood of Railroad Train Men are opposed to this bus line service. The steam railroad, I understand, has curtailed service to the residents of Fall River and Taunton for the purpose of improving the chance for dividends to stockholders. If the residents of Taunton and Fall River are interested in having better communication with Boston, their complaint should be to the Interstate Commerce Commission or to the Department of Public Utilities, in order to secure proper train service. But the Eastern Massachusetts Street Railway Company should not place bus line service along these dangerous and treacherous highways. The Boston Post said in an editorial on December 29 last:

"People crossing now have to maneuver across on the red lights and stand the risk of being hit by an automobile making a right turn on green lights.

"But there is this point to be considered. This place is at the edge of Franklin Park, where thousands of men, women and children go in good weather. One fatal accident has recently taken place at this intersection.

"It would seem that consideration of the pedestrians would be paramount, even at a busy vehicular intersection such as this. After all, the law protects the pedestrian first and foremost. A halt for pedestrians is never wasted care."

When they talk about train service, have you ever stopped to consider the service that has existed between Boston and Springfield, with trains coming in almost every ten minutes in the day, and when people were coming to the Boston stores without any special effort being made to get them there. So if these people really want to come into Boston to shop, they will come. As a matter of speed and of better convenience for the people travelling on these buses, it would certainly be better for the Eastern Massachusetts Street Railway to bring its passengers by express bus service into Mattapan or Ashmont Station, and not ask to take them over a highway where

conditions are so dangerous to pedestrians crossing the street. I trust that the members of the Council will in their wisdom vote "No" on this petition. We have diminishing fares on the Boston Elevated, and the burden on our citizens of the dividend being paid on the stock of a defunct corporation, amounting nominally to 5 per cent but actually to 10 per cent on the investment. We should do everything possible to protect the residents of Boston, and I would remind you gentlemen that Dorchester, including the district bordering Blue Hill avenue along the route where this bus line is projected, is still a part of Boston. Each and every one of you should consider the safety of the residents of this city. I trust that in your wisdom you will protect the residents of the Dorchester district in order that they may not continue to be subjected to the conditions jeopardizing life and limb evidenced by the terrible accident that we recently had out there.

Coun. TAYLOR—Mr. President, I also am interested in this particular matter because this bus line wishes to operate down Seaver street, a very dangerous street in the City of Boston. I was interested the other day when I listened to the vice president of the Eastern Massachusetts Street Railway Company making certain statements. He was asked what the fare would be if they carried out their plan to run buses to Park square. He said, "We cannot do it for less than one dollar." I asked him whether or not this bus line was to be operated in order to give the Eastern Massachusetts some more revenue, or whether it was operated to give more benefit to the people of Fall River. He replied that, of course, in giving the service to the people they were also interested in the revenue. I am informed that the fare now from Fall River to the Ashmont Station is 75 cents, and I understand that they intend to charge one dollar to Park square or Haymarket square, which means that there will be a charge of 25 cents per head more to the patrons to go beyond Ashmont Station to Park or Haymarket squares. In other words, while the vice president of this corporation was trying to give the committee the impression that the Eastern Massachusetts Street Railway Company is an eleemosynary institution, as a matter of fact they are going to take from every person who rides on that bus line 25 cents for this additional distance, for which people are now paying ten cents on the Boston Elevated line. I say to the Eastern Massachusetts Street Railway Company, and also to the members of the Legislature, that it is very fortunate, with this car going off the rails on Seaver street, that there was not coming along at that time a Fall River bus loaded with passengers, which might have collided with this car; and I say to the managers of the road and to the members of the Legislature, if they intend to pass this bill that is now before them, if any such serious accidents happen in the future, let the responsibility be on their heads. Certainly the City Council does not want any part of it. If another such accident happens at the corner of Seaver street and Blue Hill avenue in connection with the operation of the bus lines, I say the responsibility should be placed on those who know nothing about traffic conditions in the City of Boston, but are only familiar with such conditions in Fall River, Taunton and other places outside of Boston, and who because of their ignorance of local conditions here, with which we are all familiar, have taken action which has resulted in loss of life and injury to our citizens. The Registry of Motor Vehicles has recently suspend the licenses of many operators of buses, and we are all familiar with the curtailment of service along the New Haven lines. So there is a good opportunity to encourage the use of the Elevated, whose large deficits we have to help meet, and the Elevated should have an opportunity to give to these people the service to which they are rightly entitled. But what we will be confronted with, if this petition of the Eastern Massachusetts Company prevails, is a very dangerous condition along our highways, and I don't think the City Council, knowing more about Boston conditions than anybody else, ought to assume responsibility for any major hazards on this particular route.

Coun. SHATTUCK—Mr. President, I have heard some comments indicating that the citizens of Fall River were now having difficulty getting into Boston. I would like to ask some of the gentlemen who have spoken if it is not a fact that there are now bus lines between Fall River and

Ashmont, and that any of the people of Fall River who so desire can go to these terminals of the Elevated as freely as they wish?

Coun. TAYLOR—I understand, councilor, that people desiring to come here from Fall River, Taunton, or that vicinity, can now get a bus, and come here and connect up with the Elevated at Ashmont or Forest Hills and get the same service that is now sought by continuing this bus line of the Eastern Massachusetts Street Railway Company to Park square or Haymarket square.

Coun. CAREY—Mr. President, there are several motor truck companies transporting goods daily between Boston and the Fall River-Taunton district. There has been no demand that these trucks unload their freight at the Boston line and deliver it there to trucks whose usual place of business is Boston. I feel that we must be insistent in the matter of traffic hazard and if we are going to vote against the granting of this bus license to permit people to commute between these cities we must also take steps to prohibit these trucks from carrying on their business between Boston and the Fall River-Taunton area. I feel that the traffic hazard is increased to a far greater extent by these trucks, many of which are, as a matter of fact, as large as freight cars, than by the buses. Most of us have no doubt driven along the road behind these large trucks and are well aware of the menace which they create. I sympathize with Councilor Englert of Ward 11, Councilor Taylor of Ward 12 and Councilor Rosenberg of Ward 14, in their desire to keep their streets free from possible hazards caused by buses running through their districts. But what about the streets in other districts? In my district we have buses, permission for which has been granted by previous Councils, running to Providence, New York and Worcester. Why should we keep sacred such arteries as Blue Hill avenue and Seaver street? Furthermore, I sincerely believe that this bus line will bring business to Boston and I feel that each and every member of this Body should gladly favor any undertaking that will aid in making and keeping Boston the business center that it has been and that it should be. I therefore feel that I must vote "No" on leave to withdraw on this petition.

Coun. WILSON—Mr. President, I would like to point out that, while the Boston papers have several times commented editorially on Blue Hill avenue as a dangerous thoroughfare, I believe every Boston newspaper has favored the granting of this particular bus line and others that will mean bringing business to Boston. So far as the type of car used on the Blue Hill avenue route is concerned, it might be that if the passengers had been in a lighter car it would have made that turn all right. The gentleman from Ward 14 (Coun. Rosenberg) thinks that the diet of the people of Fall River and Taunton may have something to do with their wish to be carried into the heart of the city. I don't know their habits of diet, but I think they must be getting a stomachful of Boston as a so-called modern, progressive city. While I like peace and quiet, I cannot figure a village blacksmith shop along near the corner of Blue Hill avenue and Seaver street. We really have the choice in Boston of living in a growing industrial city or adjacent to a village green,—of looking around our market district and seeing the darkened windows of a gradually dying town, observing such conditions as we see along the Atlantic avenue loop, having pointed out to us near Copley square, as I have been informed, I believe authentically, property which has been assessed for \$150,000 or \$160,000, selling not long ago for \$7,500 or of living in a modern business community. We have to take the choice of residing in a growing, busy industrial community or in one that is dying, where we can hear band concerts rendered by the village band at our once busy corners. Mr. President, we cannot build a Chinese wall, in my opinion, around the City of Boston. When all the shooting is over and we boil the thing down, after all we are not having anything like the Overland Express coming through Blue Hill avenue. These buses will make six trips a day in the twenty-four hours not even adding appreciably to the present traffic. As far as traffic congestion and traffic hazards are concerned in our Dorchester wards and the danger that has been referred to on Blue Hill avenue, I can speak with some authenticity of Dorchester travel conditions, because buses come along through my ward now, through Pierce square and Dorchester avenue to Ashmont Station. We know some-

thing about congested conditions and what may result from additional congestion at the Ashmont terminal, and I trust that the congestion there may not be increased. I believe that the people from Taunton and Fall River should be allowed to make the trip to Park square or Haymarket square, without being obliged to break their journey at Ashmont Station or Mattapan. These people frequently pack dress suit cases or bags, the same as I sometimes carry a dress suit case with me when I am traveling to different points. It is not a pleasant thing at times, under such conditions, to have to dash for a car somewhere along the line. The fact is that the people of Fall River or Taunton, if they have to break their trip to Boston in this way, in lieu of coming here may go to Providence, if it is easier to get there, because the American public are getting soft and lazy, and have to be encouraged to go anywhere or do anything. Also, if these buses are going to transfer their passengers at Peahody square and Ashmont Station, that is going to mean the inconvenience and crowding of many of the people of Dorchester who will find no seats in the Elevated trains because they will be filled up by the people coming in from Taunton, Fall River and other sections on these buses. We should recognize the fact that we are living in a great industrial city, where street cars, automobiles and buses use the streets, and I, for one, can see no insuperable objection to the buses from Taunton and Fall River making a continuous trip to Park or Haymarket squares.

Coun. TAYLOR—Is it your opinion that the people traveling from Fall River and Taunton to Boston can get in more quickly by bus than they could by transferring at Ashmont Station and taking the Elevated in?

Coun. WILSON—It is not entirely a question of speedy transportation. I admit that they could get in just as fast and perhaps faster, by transferring to the Elevated. But I am not so much interested in the question of speed as in another side of the question. As a matter of fact, the American public—and that includes all of us—are getting soft. It is largely a matter of convenience. If people can come into town without too much trouble, they will come. If they have to drop off at every gas and rest station on a certain route they will travel some other way.

Coun. TAYLOR—You think that we are building a Chinese wall around Boston when we have them transfer at Ashmont Station?

Coun. WILSON—I believe if they can have easy and comfortable access to Boston they will come, and Boston, from a business standpoint, has got to make it easy and comfortable for them to come.

Coun. TAYLOR—Well, you think we are building a Chinese wall around Boston in expecting people to transfer at Ashmont Station, when any of us who live in Boston have to make two or three stops in getting to and from places right around us? Why should we treat these people from Fall River differently than we treat our own Boston people?

Coun. WILSON—Well, most of us when we are going around on our daily business are not carrying suit cases and bags, as I venture to say those coming from Fall River generally do.

Coun. TAYLOR—Well, you think that those coming from Fall River are necessarily coming here to shop, when they may be bound somewhere else, and are simply using Boston as a way station?

Coun. WILSON—Well, I cannot answer as to that, but my opinion is that these buses coming into the heart of our city will bring additional business to the City of Boston by making it more convenient for those people to come in here. I think the day of steam railroad transportation is a thing of the past. I think you will find that if the people of Fall River and Taunton cannot get an unbroken bus trip to the heart of our city the business will flow to Worcester or Providence, where they can find such accommodation. If we don't want the business, if we want to grow grass in the streets and have band concerts at the corner of Blue Hill avenue and Seaver street and other important corners of our city, very well. We will stop business from coming here, and after awhile the only people who will come will be on bicycles.

Coun. SULLIVAN—Mr. President, I listened with interest to the statement of the gentleman from Ward 14 (Coun. Rosenberg) and also to

what was said by Councilor Wilson, who does not consider buses an unusual traffic hazard, and who has referred to the fact that the Boston newspapers have been editorially imbued with the idea that we should do what we can to bring new business into Boston through the method of transportation suggested by this petition. I was also interested in the statement of the gentleman from Ward 14 to the effect that this petition does not meet with the approval of the Brotherhood of Railroad Trainmen. That may be so, but we have not seen any evidence here of labor organizations opposing the measure, and I definitely remember at a hearing awhile ago that one of the speakers of the Boston Central Labor Union favored this sort of thing. I do not believe myself, therefore, that it meets with the opposition of organized labor. Accordingly, I favor the petition.

Coun. NORTON—Mr. President, I can entirely sympathize with the feelings of the councilors in the neighborhood of Blue Hill avenue in regard to this matter from the standpoint of traffic congestion on the avenue. At the same time, we must face the situation that Boston at the present time is slipping, that there are over 5,000 vacant seats in our primary schools today, and that there are 100,000 fewer people coming into Boston than came ten years ago. Therefore, I think we should do what little we can to bring business into our city by some route or another. If we do not get business here, it will go somewhere else.

Coun. ROSENBERG—Mr. President, probably the councilor from Hyde Park does not realize that a suggestion that another route might be taken was made to Mr. Cummings, the vice president of the Eastern Massachusetts Street Railway Company. If the councilor from Hyde Park had been present at the hearing before the committee he would have heard Mr. Cummings, the vice president, reply to a question of mine. I said to Mr. Cummings, "When the original petition was presented to the Council some months ago, we rejected it without prejudice, with the suggestion that you file a petition for some other route or at least bring a petition in for an express route to Mattapan Station, and no such alternative petition was presented to us." Mr. Cummings stated that he wasn't interested in any other route, that this was the route he wanted. In other words, Mr. Cummings is a Hitler or Mussolini, attempting to dictate to us as those men dictate in Europe. He said, "I want this bus line to go over this particular route, and don't want any other route." I think the people of Taunton and Fall River must be a peculiar kind of people. I am surprised that Mr. Cummings should say, in representing those people, who are apparently different from the people of Boston, "I am not interested in any other route. This is the route I want." The Jitney Committee would have been inclined to cooperate with him, if he had not come here with an arrogant and insolent attitude, simply wanting his own way. The gentleman from Ward 17 (Coun. Wilson) admitted that he was perhaps a little selfish because of the fact that the bus line coming into the Ashmont Station would overcrowd the capacity of the station, so that the people of Dorchester might not be able to get the accommodation they have at present.

Coun. WILSON—On that line.

Coun. ROSENBERG—Well, your complaint should be that the Boston Elevated ought to put on additional cars. But it is very evident that Vice President Cummings of the Eastern Massachusetts Street Railway Company simply wants his own way, and does not want to cooperate with the people of Boston. I say that those people should be brought in there and taken care of by the Boston Elevated, irrespective of the fact that the officials of the Elevated have not even raised their voices in opposition to the proposed bus line coming into the heart of our city. As a matter of fact, the Elevated might well shout from the roof tops in opposition to those bus lines coming into the heart of Boston and thereby cutting down the revenue of the Elevated.

Coun. GALVIN—Mr. President, last week before the Committee on Jitneys a question was asked of Mr. Cummings relative to the number of buses that pull into the Ashmont Station. We were informed at that time that there were approximately one hundred trips that run south from the Ashmont Station. The City Council, if they do grant this permit, are just granting a



permit for buses to run to Haymarket square and are not in any way regulating the number of trips that these buses will run. If the Eastern Massachusetts saw fit to run a direct bus line from Milton to Boston, with these six buses from Ashmont Station to Park square, it might mean a ten-minute time at any spot that one of the buses would pass. Mr. Cummings stated that that was not his intention, and that he would make a statement in writing to the Council. But I understand that it has not come as yet.

Coun. SHATTUCK—Mr. President, we are all aware of the present tendency of the Boston Elevated to give up car lines and to substitute buses. That tendency towards a great increase in the number of buses in our streets seems to me an important reason why we should refuse this permit. We would be utterly swamped if we allowed buses from all over New England to come into the center of our city. If the present tendency to the growth of bus traffic in the streets of Boston is to continue, as is the tendency at the present time, with its accompanying congestion, it seems to me we should route these buses so that they will connect with the Elevated terminals, whether in East Boston, Everett, Ashmont, Forest Hills, Harvard square, Mattapan, or other terminals. This strikes me as an entering wedge, and if we grant this permit I see no reason why we should not grant permits for any number of buses without limit to come into the center of the city, when they can just as well transfer their passengers at Ashmont or whatever the terminal may be. As has been pointed out, the people of Boston themselves use these terminals all the time, transferring at Ashmont, making Cambridge subway transfers, transferring in Roxbury to other sections, and to and from the Washington street subway and Forest Hills.

Coun. CAREY—Isn't there also the question, in connection with this bus line, of transporting freight into Boston from Taunton and Fall River? How is the freight from those stations to be brought into Boston?

Coun. SHATTUCK—I don't see that that is at all the problem we are considering. The question we are discussing is whether these buses shall come into the center of the city or deliver passengers at one of the terminals. The freight question is another question.

The question came on accepting the report and giving the petitioner leave to withdraw, and the clerk called the roll. The Council voted to give the petitioner leave to withdraw, yeas 13, nays 8:

Yeas—Coun. Agnew, Englert, Fitzgerald, Galvin, Harris, Hutchinson, Kerrigan, Lyons, McMahon, Murray, Rosenber, Shattuck, Taylor—13.

Nays—Coun. Carey, Chase, Fish, Kelly, Langan, Norton, Sullivan, Wilson—8.

REPLACING WARD 18 SCHOOL STRUCTURES.

Coun. NORTON offered the following:

Ordered, That the School Committee, through his Honor the Mayor, be requested to consider the advisability of replacing school structures in Ward 18 that have been standing for fifty years and more and are built of wood, such as the Grew, Damon, Greenwood and Fairmount Schools, and the Hemenway School, Readville, which is located adjacent to an "oil farm."

Passed under suspension of the rule.

TRAFFIC SIGNALS, DEERFIELD STREET AND COMMONWEALTH AVENUE.

Coun. SHATTUCK offered the following:

Ordered, That the Traffic Commissioner of the City of Boston be requested, through his Honor the Mayor, to install automatic traffic signals at Deerfield street on the north side of Commonwealth avenue and at the intersection of Brookline avenue with the south side of Commonwealth avenue.

Passed under suspension of the rule.

IMPROVEMENTS, PRINCE STREET PLAYGROUND.

Coun. FITZGERALD offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to make the needed improvements on the Prince Street Playground by removing the stones and debris and installing proper lighting facilities in order that the people of the district might derive some benefit from it.

Passed under suspension of the rule.

EMERGENCY ASSISTANCE TO PERSONS IN DIRE NEED.

Coun. GALVIN offered the following:

Ordered, That the Overseers of the Public Welfare Department be requested, through his Honor the Mayor, to arrange for the issuance of emergency assistance to persons who are in dire need as the result of the change of pay day for W. P. A. employees, particularly to those who were assigned to W. P. A. employment from the welfare rolls.

Passed under suspension of the rule.

ANNUITIES TO FAMILIES OF CITY HOSPITAL EMPLOYEES.

Coun. GALVIN offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to petition the Legislature for such legislation as may be necessary to pay an annuity to the families of employees of the Hospital Department who died on account of injury or disease contracted in the course of their employment, provided that the provisions of the present retirement system are not sufficiently broad to cover such cases.

Passed under suspension of the rule.

DISCONTINUANCE OF "EL" DIVIDENDS.

Coun. IRWIN offered the following:

Resolved, That the City Council of Boston favors the enactment of House Bill 198, now pending before the Metropolitan Affairs Committee at the State House, which provides for the discontinuance of the payment of guaranteed dividends to stockholders of the Boston Elevated Railway, provided such legislation includes a referendum to the Mayor and the City Council.

Referred to Executive Committee.

ROPING OFF UNION PARK STREET.

Coun. McMAHON offered the following:

Ordered, That the City Messenger be, and he hereby is, authorized to rope off Union Park street, between two and four p. m., on Saturday, April 8, 1939, for the cross-country run of the Cathedral Club, the expense incident thereto to be charged to the appropriation for City Council, Flags, Ropes and Stakes.

Passed under suspension of the rule.

ACCEPTANCE OF ALLEGHANY STREET.

Coun. CAREY offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Alleghany street, from Parker street to No. 80, in Ward 10, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

INFORMATION RE ARRESTS MADE.

Coun. CAREY offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to inform the City Council as to the number of arrests made each year for the past three years:

1. By police officers who cover routes on foot.
2. By police officers in cruiser cars.
3. By police officers who constitute what is known as the Special Service Squad.

Coun. CAREY—Mr. President, I wish to say that in the near future the Committee on Appropriations of the City Council will have before it the annual budget for 1939, including the budgets of the various city departments. There seems to be an opinion throughout the city that there is no need of a number of cruising cars being attached to the different stations of the Police Department. I feel that if we have before us in going over the budget information such as is sought by this order—with reference to the number of manual arrests made by police officers on foot, by those in cruising cars and by the special service squad,—the committee will be in a better position to take action or to make proper recommendations. Furthermore, there is the pending suggestion that 100 additional men be appointed patrolmen at the present time. I still feel that there will be further need of patrolmen, men on foot.

Coun. WILSON—Mr. President, for the enlightenment of the councilor on the question of possible additional police officers, I understand that the Civil Service Department recently sent to the Police Commissioner the names of 165 men on the list, and that they were all accepted.

Coun. CAREY—I believe that if we get 100 men we will be very fortunate.

The order was passed under suspension of the rule.

#### COMMITTEE ASSIGNMENTS.

President MURRAY announced that Councilor Agnew has resigned from the Committee on Appropriations, Councilor Taylor from the Committee on Finance and Councilor Kerrigan from the Committee on Public Safety, and appointed Councilor McMahon of Ward 8 to be a member of the said committees in place of the members who have resigned.

#### RESURFACING OF CHILD STREET, WARD 11.

Coun. ENGLERT offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Child street, Ward 11.

Passed under suspension of the rule.

#### VETO ASKED ON EASTERN MASSACHUSETTS STREET RAILWAY BUS PERMIT.

Coun. TAYLOR and ROSENBERG offered the following:

Resolved, That the members of the Boston City Council hereby request his Excellency Governor Leverett Saltonstall to veto any legislation which will grant a permit to the Eastern Massachusetts Street Railway for the operation of motor buses down Blue Hill avenue and Seaver street.

Coun. TAYLOR—Mr. President, there are two reasons why I think the Council should pass this resolution. The first is because of the situation with regard to passage of these Fall River buses through some of our highways, a matter that has been explained at great length. But the second reason is even more important—that it is taking away from the City of Boston the right of home rule.

The resolution was passed under suspension of the rule.

#### PROPOSED PAYMENT TO ESTATES OF DECEASED TEACHERS.

Coun. TAYLOR offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation to provide for the payment to the estate of members of the Boston Public School Teachers' Retirement Fund who die while in the service of the city, of a portion of their contributions to said fund.

Passed under suspension of the rule.

#### ELECTRIC LIGHTS FOR WARD 13 STREETS.

Coun. HUTCHINSON offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to substitute electric lights for all gas lamps at present in use on streets in Ward 13.

Passed under suspension of the rule.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

1. Report on petition of Joseph P. Kolf (referred February 27) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, Public Works Department—recommending passage of the accompanying order, viz.:

Ordered, That the sum of nineteen dollars and twenty cents (\$19.20) be allowed and paid to Joseph P. Kolf in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

2. Report on petition (referred May 18, 1936) of Timothy J. O'Keefe to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of four hundred and fifty dollars (\$450) be allowed and paid to Timothy J. O'Keefe in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

#### TWO-MAN OPERATION OF CERTAIN ELEVATED LINES.

Coun. ROSENBERG offered the following:

Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to have two men operating the cars on the Egleston, Mattapan and Blue Hill avenue lines.

Coun. ROSENBERG—Mr. President, earlier in the afternoon I spoke of the cars being operated between Egleston square and Mattapan, over the Blue Hill route, as cars which might well be handled by two men, and I also referred to the speed at which the operators are now expected to run the cars on that route, a speed which at certain points may be dangerous. It is really a surprise to me that there have not been accidents on this route on previous occasions, not only at the particular location of the recent accident, but on other parts of the route. I am confident that if the cars along that route were operated by two men this accident might have been prevented.

The order was passed under suspension of the rule.

#### RELOCATION OF BLUE HILL AVENUE TRACKS.

Coun. ROSENBERG offered the following:

Ordered, That the Corporation Counsel and the Legislative Agent be requested to inform the Council, through his Honor the Mayor, whether or not they have filed a petition with the Legislature in response to the order of the City Council to permit the relocation of the street car tracks on Blue Hill avenue and Seaver street junction along Blue Hill avenue to the American Legion Highway, to the center of the thoroughfare.

Coun. ROSENBERG—Mr. President, some time last year I introduced an order asking the Corporation Counsel, through his Honor the Mayor, to file a bill in the Legislature looking to relocation of the street car tracks on Blue Hill avenue, Seaver street and the junction of Blue Hill avenue and the American Legion Highway, in the center of the thoroughfare, feeling that they would thus be better located not only for pedestrians but for the motorists using the street car route. As yet I have heard no report from the Corporation Counsel's office in regard to the

matter. Therefore, I ask for the passage of this order so that if no petition to the Legislature has been filed, some action along this line may be taken by our Body.

The order was passed under suspension of the rule.

#### SIDEWALK ON WASHINGTON STREET, WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Washington street, both sides, from Archdale road to Roslindale square, Ward 19, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### RESURFACING OF GREEN STREET, WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth pavement Green street, Ward 19, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### RESURFACING OF NEPONSET AVENUE, ROSLINDALE.

Coun. LANGAN and NORTON offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to resurface with smooth pavement Neponset avenue, Roslindale, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### COMMENDATION OF POLICE AND FIRE DEPARTMENTS.

Coun. LANGAN offered the following:

Resolved, That the City Council hereby commends the Police Commissioner and Fire Commissioner for the prompt and efficient work which the members of their departments rendered in connection with the recent street car accident at Blue Hill avenue and Seaver street, Dorchester.

Coun. LANGAN—Mr. President, I feel that I am performing a pleasant duty at this time in introducing this order to commend the members of the Boston Police and Fire Departments for the efficient way in which they handled this matter following the recent accident in the Dorchester district.

Coun. ROSENBERG—Mr. President, while I feel that the highest praise should be given to the Police and Fire Departments for their action at such a critical time, I believe also we should not overlook the cooperation rendered by the superintendent, officers and staff of our City Hospital.

Coun. WILSON—Mr. President, I also wish to add my word of commendation—in addition to the praise of the work of the Police and Fire Departments—of the work of the City Hospital. The officers of the City Hospital the moment word was received from the Police Department, through the radio station, of the accident in which six people were killed and many injured acted immediately, sending an ambulance which arrived at the scene half an hour later, and rendered the best medical assistance possible to the sufferers from the accident.

Coun. GALVIN—Mr. President, while we are praising the different departments who participated in assistance and relief following the accident, we should not overlook the services rendered by a member of our own body, Austin Fish, who assisted in every way possible with his auto.

The order was passed under suspension of the rule.

#### BINDER USED IN W. P. A. STREET CONSTRUCTION.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a survey of all streets that have been constructed by the W. P. A. in Ward 20 during the past two years with a view to using some type of binder that will keep the streets from deteriorating within one year after construction work is completed.

Passed under suspension of the rule.

#### ACCEPTANCE OF HAYEY STREET.

Coun. LYONS offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Hayey street, Ward 20, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### WARD 22 IMPROVEMENTS.

Coun. SULLIVAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a sidewalk along Bigelow street, Ward 22, under the W. P. A. type of construction.

Ordered, That the Board of Street Commissioners be again requested to lay out and accept as a public highway, under the W. P. A. type of construction, the following streets in Ward 22:

Upland road, Adair road, Eaton street, Ryder Hill road, Rena street, Myrick street, Etna street extension, Sanderson place.

Severally passed under suspension of the rule.

#### CURTAILMENT OF ONE-MAN CAR, "EL" SERVICE.

Coun. SULLIVAN offered the following:

Ordered, That the Board of Trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, not to further extend one-man cars into those districts now enjoying the more adequate and safer two-man service.

Coun. SULLIVAN—Mr. President, I have been led to introduce this order because I have understood that the trustees are proposing shortly to have one-man cars take the place of the present two-man cars on certain routes. I have heard a report that the cause of the accident on Blue Hill avenue which resulted in these deaths and injuries was because some youngsters got on the back of the car and released a brake. If that was so, it would not have been possible if it had been a two-man car. At the present time, as I say, I understand that the trustees propose to have one-man service on certain lines where there have been two men, and in the interest of the safety of the people of Boston I feel that that should not happen. Therefore, I have introduced this order. The order was passed under suspension of the rule.

#### RECOMMENDATIONS BY STATE TAX COMMISSIONER.

Coun. SULLIVAN offered the following:

Whereas, The State Tax Commissioner has indicated that he will present three recommendations to the present session of the Massachusetts State Legislature to provide relief for fifty cities and towns which are straining under the weight of heavy welfare costs; and

Whereas, Boston is one of the fifty communities enumerated by the Tax Commissioner as being in need of such relief; and

Whereas, The three recommendations listed by him include:

- 1, That \$3,000,000 be taken from income tax receipts and given to needy cities and towns;
- 2, That they also be released in whole or in part from all state and county tax assessments;
- 3, That a general sales tax be adopted; and

Whereas, The amount contributed by the City of Boston to the state deficit this year will reach unprecedented proportions and, accordingly, will materially affect the Boston tax rate for the current year; and

Whereas, The third alternative, the sales tax, has met with disapproval on the part of merchant-groups and consumer-public generally; be it

Resolved, That the Corporation Counsel, through his Honor the Mayor, be requested to instruct the City Legislative Representative to favor, and to work for, sections 1 and 2 and to oppose the third alternative as suggested by the commissioner.

Referred to Executive Committee.

#### RECESS.

By direction of President MURRAY the Council at 4.10 p. m. went into executive session. The members reassembled and were called to order by President MURRAY at 4.40 p. m.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on Mayor's message and order (referred today) for sale to Merchants National Bank of two square feet of land on Congress street—that same ought to pass.

The report was accepted and the question came on the passage of the order. The order was passed, yeas 17, nays 0.

2. Report on order (referred today) that Building Commissioner be requested to condemn Atlantic avenue loop of Boston Elevated and provide for its early demolition as W. P. A. project or otherwise—that same ought to pass.

Report accepted; said order passed.

3. Report on order (referred today) favoring enactment of such legislation as shall cause the Atlantic avenue loop to be promptly demolished and removed by State Public Works Department or other agency—recommending passage of same.

Report accepted; said order passed.

4. Report on order (referred today) opposing purchase of common stock of Boston Elevated Railway Company at \$60 a share—recommending passage of accompanying new draft, viz.:

Resolved, That the City Council of the City of Boston hereby opposes the purchase of the 238,794 shares of common stock of the Boston Elevated Railway Company at \$60 a share, total, \$14,327,640, by the fourteen cities and towns of Boston Metropolitan District, as provided by House Bill 154 of 1939, entitled "An Act Authorizing Retirement of the Common Stock of Boston Elevated Railway Company"; and the Corporation Counsel for the City of Boston, through his Honor the Mayor, is hereby requested to oppose said bill at hearings before the Committee on Metropolitan Affairs, on March 13, 1939, or any other dates, and before any other committees of the General Court where said bill may be heard; and said Corporation Counsel is also requested to oppose the passage of said bill before the Senate and House of the General Court.

Report accepted and resolve passed in above form.

#### COAL DELIVERIES TO WELFARE RECIPIENTS.

Coun. CHASE offered the following:

Ordered, That the Boston City Council Committee on Public Welfare take immediate action in investigating the complaints of welfare recipients that coal companies holding city contracts to provide fuel for welfare recipients are not delivering the quality and amount of fuel in accordance with their contracts; and be it further

Ordered, That any evidence of a criminal nature disclosed as a result of such investigation be immediately given to the District Attorney.

Coun. CHASE—Mr. President, I am prompted to introduce this order because of various complaints which have been called to my attention. Only recently I received this letter from a poor old lady. The letter, in part, says:

"I find there is a shortage in my coal order each time it is delivered"—and she mentions a certain coal company—"delivered to me what was supposed to be half a ton of nut coal and re-

ceived in return \$5.14, a check from 43 Hawkins street, there were only eight partly filled bags and I am supposed to receive ten 100-pound bags on each delivery. Will you kindly have the proper persons call on me at once and check up on my deliveries, as this shortage has been in evidence ever since they started to supply me with fuel.

"I called up the company when the truck was leaving and they promised to check upon it at once but have failed to do so."

Now, Mr. President, the writer of this letter and others on welfare relief are unfortunate people who should not be mistreated by those who are more secure in the possession of worldly goods. Mr. President, if these charges are true, if coal companies or their employees are cheating the poor, I contend, sir, that it is a most miserable situation, a despicable practice, and the offenders should be punished to the full extent of the law.

The order was passed under suspension of the rule.

#### SURVEY OF TRAFFIC DANGER, BLUE HILL AVENUE.

Coun. ROSENBERG offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make a survey of the entire length of Blue Hill avenue, with the view to making necessary changes in the present traffic regulations to cut down the high death rate on this heavily traveled thoroughfare.

Passed under suspension of the rule.

#### LIGHTING BLUE HILL AVENUE AND SEAVER STREET.

Coun. ROSENBERG offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make a survey of the traffic lighting regulations at the corner of Blue Hill avenue and Seaver street, with the view of effecting changes in the present traffic regulations which will permit pedestrian traffic, desiring to cross at this point, additional safety.

Coun. ROSENBERG—Mr. President, at this particular corner the traffic lights do not give the proper protection to pedestrians. The Traffic Commissioner felt some time ago that it was necessary to meet conditions required in the way of free flow of traffic moving along the highway, but I believe the important thing for the Traffic Commissioner to bear in mind is the protection of pedestrians at this particular point. This is the Franklin Park section, to which people come from all parts of Roxbury and Dorchester, as well as from other parts of the city and state, and I trust that the Traffic Commissioner will see fit to regulate the traffic in such a way that people will be able to cross without danger at that point. At times now it is almost committing suicide to cross the highway at that intersection.

The order was passed under suspension of the rule.

#### THE NEXT MEETING.

On motion of Coun. GALVIN it was voted that when the Council adjourns it be to meet on Monday, March 20, 1939, at 2 p. m.

#### OPPOSITION TO HOUSE BILLS 1447 AND 1583.

Coun. GALVIN offered the following:

Resolved, That the City Council of Boston hereby opposes the enactment of House Bill 1447 or House Bill 1583, the provisions of which would reduce the present City Council to a membership of nine.

Coun. GALVIN—Mr. President, those two House bills referred to in the order will cut down the Boston City Council to a membership of nine. I don't know what the purpose of the councilor from Hyde Park (Coun. Norton) was in introducing such proposed legislation, —whether or not the people from his district are getting wise to him and be now wants to submit his candidacy to a vote of the city at large, thinking that be

might have a better chance of election than at the hands of the people who know him more intimately in his district. Possibly he thinks that the people of the district are beginning to catch up on him, and that perhaps people in the other districts have not. I believe the people of my district want local representatives. Apparently the councilor from Hyde Park feels differently in his own case, and feels that he would have a better chance to get by in an election throughout the city, where he might not be so well known. I realize that the councilor from Hyde Park puts in six days a week performing his duties at Commonwealth Pier, and that perhaps he is not confronted daily with the problems that some of us have in our districts. I realize also that he is at times quite busy in attending hearings in other places, and that he spends only an hour here, if he is present at all, on Monday. I move that this order be adopted, feeling that the defeat of those legislative bills I have referred to would be for the best interest of the people of Boston.

The order was passed under suspension of the rule.

#### REPORT OF COMMITTEE ON RULES.

Coun. FITZGERALD, for the Committee on Rules, submitted the following:

Report on resolve that the City Council go on record as favoring Senate Bill 5 for repeal of Plan E and Proportionate Representation as embodied therein—recommending passage of the resolve, with Coun. SHATTUCK dissenting from the report of the committee.

The question came on the acceptance of the report and passage of the order.

Coun. TAYLOR—Mr. President, I rise to a point of information. Doesn't that apply to the Commonwealth generally, and not to Boston?

Coun. FITZGERALD—There is a bill there now applying to Boston, and I think we should go on record as opposing it.

Coun. TAYLOR—Well, Mr. President, as I understand it, that is a general bill and does not apply to Boston. I have the same objection to

interference with the Legislature on such matters that I have to interference with our own city government. I don't want to be in the position of interfering with other cities and towns in a matter with which Boston is not concerned.

Coun. FITZGERALD—Mr. President, I don't object to this lying on the table, and later on the Council will probably wake up.

Coun. SHATTUCK—Mr. President, this law which we are resolving ought to be repealed applies to cities other than Boston. It may be accepted by any city except Boston, but it can only be accepted by vote of the people, and I assume that if there were any amendment permitting Boston to accept it, such acceptance would be subject to a vote of the people of Boston. I wonder if the gentleman from Ward 3 (Coun Fitzgerald) is so scared of what the people here might do that he wants to remove the possibility that they might have a chance to pass upon the matter?

Coun. FITZGERALD—Mr. President, Boston is in a fair way now to have a campaign waged to pass upon this proposition. In fact, a campaign is being waged. A representative of Ward 12 has been on the radio in the last three or four months favoring the adoption of this Plan E, and I think his representative might be in favor of it.

Coun. TAYLOR—Mr. President, I will say to the councilor from Ward 3 (Coun. Fitzgerald) that I am opposed to proportional representation as far as Boston is concerned, and if that matter were before the Body that is the action I would take. But I don't think that that proposition is before us. It is something that concerns other cities and towns, and they are big enough to take care of their own affairs. I think I understand the matter, councilor. There is now a bill, House 1732, before the House of Representatives or the Legislature, that does affect the City of Boston, a bill that I am certainly opposed to, but I think the bill he has reference to here is a bill referring to other cities and towns and not referring to the City of Boston.

The matter was laid on the table.

Adjourned at 5.10 p. m., on motion of Coun. ROSENBERG, to meet on Monday, March 20, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, March 20, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair and all the members present.

## DISPOSAL OF OBSOLETE X-RAY FILMS.

The following was received:

City of Boston,  
Office of the Mayor, March 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a communication from the Superintendent of the City Hospital relative to the disposal of obsolete X-ray films and recommend the passage of the accompanying order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Hospital Department, March 14, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—There is at this hospital an accumulation of approximately 4,365 pounds of obsolete X-ray films.

As these films are no longer required by the hospital, the trustees are desirous of disposing of them.

I therefore respectfully request that your Honor submit the inclosed order to the City Council for consideration and passage by that Honorable Body.

Respectfully yours,  
JAMES W. MANARY, M. D.,  
Superintendent.

Ordered, That the trustees of the Boston City Hospital be, and are hereby, authorized to sell approximately 4,365 pounds of obsolete X-ray films, not required by the Hospital Department, after inviting bids therefor by advertisement in the City Record.

Referred to Executive Committee.

## TAX TITLE LOAN.

The following was received:

City of Boston,  
Office of the Mayor, March 13, 1939.  
To the City Council.

Gentlemen,—I am advised that as a result of the tax taking conducted by the city last January in connection with delinquent 1937 taxes that tax titles in the approximate amount of \$2,300,000 have been recorded by the City Collector in the Registry of Deeds. Under the provisions of section 5, chapter 235, of the Acts of 1938, any borrowings against tax titles must be used solely to meet notes issued in anticipation of revenue. On the 12th of next month \$5,000,000 in temporary notes issued last April will come due, and I propose to borrow from the Commonwealth \$2,000,000 against the tax titles most recently recorded, the proceeds to be utilized in the redemption of these notes.

I submit herewith an order authorizing the proposed borrowing and respectfully recommend its adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of chapter 49 of the Acts of 1933, as most recently amended by chapter 57 of the Acts of 1938, the City Treasurer be authorized to obtain the approval of the Emergency Finance Board to the issuance of \$2,000,000 in notes, bonds or certificates of indebtedness of

the city, said notes, bonds or certificates to be sold at their face value to the Commonwealth and the proceeds be, and hereby are, appropriated for the purpose of meeting outstanding revenue loans.

Referred to Executive Committee.

Coun. SHATTUCK in the chair.

## ANNUITIES TO FAMILIES OF CERTAIN HOSPITAL EMPLOYEES.

The following was received:

City of Boston,  
Office of the Mayor, March 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of March 6, 1939, concerning a petition to the Legislature for such legislation as may be necessary to pay an annuity to the family of employees of the Hospital Department who die on account of injury or disease contracted in the course of their employment.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, March 13, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have received a memorandum from your office dated March 9, 1939, transmitting for consideration and report the following order of the City Council:

"Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to petition the Legislature for such legislation as may be necessary to pay an annuity to the family of employees of the Hospital Department who die on account of injury or disease contracted in the course of their employment, provided that the provisions of the present retirement system are not sufficiently broad to cover such cases."

I have examined the provisions of the Boston Retirement Act (chapter 521, Acts of 1922, as amended) and I am of the opinion that the provisions of said act are sufficiently broad to accomplish the purpose set forth in said order. In this connection I respectfully call your attention to section 15 of said act which section is as follows:

"Section 15. If a member is killed or dies or a beneficiary retired for accidental disability who has not taken an option under section seventeen dies and the retirement board, upon application by the head of the department in which the member or beneficiary was employed or of a person acting in behalf of the legal representative or dependents of the member or beneficiary, and upon receipt of proper proofs, finds that such death was the natural and proximate result of an accident or of undergoing a hazard peculiar to his employment, in the performance and within the scope of his duty, at some definite time and place, without contributory negligence on his part, and that such accident occurred or hazard was undergone not more than two years prior to the date of death or that, in the case of one who was a member at the time of his death, such accident occurred or hazard was undergone more than two years prior to the date of death but was reported in writing to the retirement board by the member or in his behalf within ninety days after it occurred or was undergone, and if the medical board shall find that the death was the natural and proximate result of such accident or of undergoing such hazard, an accidental death benefit shall be granted by the retirement board. Such accidental death benefit shall consist of:

(a) His accumulated deductions which shall be paid to his legal representative; and

(b) If he has dependents a pension equal to one half the annual compensation received by him during the year immediately preceding the date of the accident which pension shall be paid:

(1) To his widow during her widowhood; or  
(2) If there be no widow or if the widow dies or remarries before every child of such deceased member shall have attained the age of eighteen years, then to his child or children under said age, divided in such manner as the retirement board in its discretion shall determine to continue as a joint and survivor pension until every such child dies or attains the age of eighteen years; or

(3) If there be no widow, or child under the age of eighteen years surviving such deceased member, then to either his dependent father or dependent mother as the retirement board in its discretion shall determine, to continue for life or until re-marriage.

Yours very truly,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

#### INSURANCE POLICIES OF WELFARE RECIPIENTS.

The following was received:

City of Boston,  
Office of the Mayor, March 18, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Vice Chairman of the Public Welfare relative to your order of February 27, 1939, concerning permission for welfare recipients to retain their insurance policies for six months after being put on the welfare rolls.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
March 13, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.  
Attention of Mr. Doyle.

Dear Sir,—This department has received your communication of March 1, 1939, with inclosed copy of an order from the City Council, dated February 27, 1939, reading as follows:

“Ordered, That the Public Welfare Department be requested, through his Honor the Mayor, to permit welfare recipients to retain their insurance policies for six months after being put on the welfare rolls.”

In the Old Age Assistance group and also in the group covering Aid to Dependent Children, adjustments of insurance are mandatory on the Overseers of Public Welfare, because recipients in these categories must have their insurance coverages comply with requirements of the law in order that they may attain the benefits of special legislation passed to aid them. In these cases, both the Federal Government and the State Government are co-contributors.

In the group classified under Dependent Aid, interpretation has to be based under chapter 117 of the General Laws of Massachusetts. This chapter is rather indefinite in that it says that persons shall not be barred from receiving public welfare if they have insurance up to \$300. With this provision worded as it is, our presumption has been that the intent of the Legislature was not only to care for insurance coverages for public welfare recipients but also to require this department to investigate insurance holdings and adjust them where necessary because of the outlay involved.

In general, we find that industrial insurance bought by payment of a weekly premium is the usual form of insurance of people applying for welfare aid. The two types of insurance coverage usually met with are those of the straight life policies and the short and long term endowment policies. The life policies are less costly because their cash value through the years is lower and the face of the policy is payable only at the death of the assured; the endowment policies are more costly because at the end of a definite given period the assured may get the full face of the policy which is also payable in the event of death prior to the end of the endowment period. The factors that are involved in the adjustment of these policies, therefore, are the cost of policies to the welfare recipient and the question of the greatest amount of protection for the least amount of weekly payment. May I give a typical example of a case in point: If a welfare recipient, his wife and three children were paying an aggregate of 75 cents a week for a combination of life and endowment policies and were we able to keep the total amount of protective insurance at the same total with reduction in weekly premium to 50 cents per week by change to whole life policies, we believe that we are accomplishing what we should because we

feel that we should keep in proper proportion the amount of money that is paid for insurance coverage out of the total family budget.

Also, it is a rule of insurance companies that when an endowment policy is changed to a whole life policy, a medical examination of the assured has to be remade, because for the same amount of protection a lower premium has to be paid. On the other hand, if at the end of a given period an individual wishes to change from a whole life policy to an endowment policy, no medical examination is required because the endowment policy carries a higher rate of premium payment.

Because of these factors, which we trust are in keeping with the factors involved, we decidedly feel that no hardship is imposed on any recipient because of temporary readjustment of policy contracts and maybe a slight reduction in the total amount of coverage for various individuals in the family, for the reason that we feel obligated to do our best in an absolutely impartial way to see that each family is properly protected in accordance with its family budget.

May we say that we hope that this answer will satisfy the honorable members of the City Council, but at any time that a case in point does not seem to meet with the best interest of any welfare recipient, our Insurance Division will stand ready to cooperate in order to obtain the best result for the family in question.

Sincerely yours,  
BOARD OF OVERSEERS OF PUBLIC WELFARE,  
by JOHN J. WALSH,  
Vice Chairman.

Placed on file.

#### REPAVING COMMERCE STREET, WARD 3.

The following was received:

City of Boston,  
Office of the Mayor, March 18, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of February 27, 1939, concerning the repaving of Commerce street, Ward 3.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
March 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works repave Commerce street, Ward 3.

Please be advised that I will have this street put on a W. P. A. project for reconstruction this year.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING CHILD STREET, WARD 11.

The following was received:

City of Boston,  
Office of the Mayor, March 18, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 6, 1939, concerning the resurfacing of Child street, Ward 11.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
March 14, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving, Child street, Ward 11.

Kindly be advised that Child street is now under construction by the W. P. A. forces.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.



**ELECTRIC LAMPS FOR WARD 13.**

The following was received:

City of Boston,  
Office of the Mayor, March 18, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 6, 1939, concerning the substitution of electric lights for all gas lamps at present in use in Ward 13.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
March 14, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works substitute electric lights for all gas lamps at present in use in Ward 13.

We are trying our best to reduce the cost of lighting in the city and remain within the budget appropriation during the year and I do not feel at this time that this replacement can be allowed.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**SIDEWALK ON BIGELOW STREET.**

The following was received:

City of Boston,  
Office of the Mayor, March 18, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of March 6, 1939, concerning the making of a sidewalk along Bigelow street, Ward 22.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
March 14, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works make a sidewalk along Bigelow street, Ward 22, under the W. P. A. type of construction.

Kindly be advised that Bigelow street is now under construction by W. P. A. forces and the sidewalks requested will be installed.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**RELOCATION OF CAR TRACKS ON BLUE HILL AVENUE.**

The following was received:

City of Boston,  
Office of the Mayor, March 18, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of March 6, 1939, concerning a petition on file with the Legislature in response to the order of the City Council to permit the relocation of the street car tracks on Blue Hill avenue and Seaver street junction along Blue Hill avenue to the American Legion Highway, to the center of the thoroughfare.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, March 13, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have received a memorandum from your office dated March 9, 1939, transmitting for consideration and report the following order of the City Council:

“Ordered, That the Corporation Counsel and the Legislative Agent be requested to inform the Council, through his Honor the Mayor, whether or not they have filed a petition with the Legislature in response to the order of the City Council to permit the relocation of the street car tracks on

Blue Hill avenue and Seaver street junction along Blue Hill avenue to the American Legion Highway, to the center of the thoroughfare.”

I find no record of the passage of the order referred to in the above order and am, therefore, unable to advise you regarding same.

I respectfully call to your attention the following order and response thereto relating to the location of car rails on Blue Hill avenue and appearing in the City Council Minutes for 1937.

Order of May 3, 1937.  
(City Council Minutes, Page 197.)

“Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to consider the advisability of changing the present location of the car rails on Blue Hill avenue from the side of the roadway to the center of the roadway to permit traffic to flow in one-way lanes on either side of the proposed center-rail car lines, between the junction of Seaver street and Blue Hill avenue and the American Legion Highway and Blue Hill avenue.”

Reply of the then Mayor.  
(City Council Minutes 1937, Page 263.)

“City of Boston,  
Office of the Mayor, June 18, 1937.  
To the City Council.

Gentlemen,—I transmit herewith a communication from the trustees of the Boston Elevated Railway Company relative to your order of May 3, 1937, concerning the advisability of changing the present location of the car rails on Blue Hill avenue from the side of the roadway to the center of the roadway.

Boston Elevated Railway,  
June 14, 1937.

Mr. John F. Gilmore, Jr.,  
Assistant Secretary, Mayor's Office.  
Dear Sir,—Replying to order of the City Council of June 3 relative to advisability of changing tracks on Blue Hill avenue from the side to the center of the roadway, the trustees directed me to reply that a study was made of what this would mean if the cost of such change were placed upon the Elevated and it would amount to \$112,000, which would be directly reflected in the Elevated deficit.

The Board sincerely hopes that this additional charge will not be considered under present conditions.

Very truly yours,  
EDWARD DANA,  
President and General Manager.”

Yours very truly,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

**USE OF SCHOOL BUILDINGS BY ORGANIZATIONS.**

The following was received:

City of Boston,  
Office of the Mayor, March 11, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Secretary of the School Committee relative to your order of February 14, 1939, concerning setting up of certain rules and regulations concerning the use of school buildings by private organizations.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, March 9, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on February 14, 1939, an order was passed requesting the School Committee, through your Honor, to set up certain rules and regulations regarding the use of school buildings by outside organizations, so as to provide that at least five days' notice may be required of the petitioners, and that sufficient information be furnished in each case in order that it may be determined that the organization is not unpatriotic or un-American in its motives or purposes.

The School Committee has directed me to say that under the present regulations, every effort

is made to satisfy the department that the person seeking the permit is responsible and is entitled to the privilege he seeks. Frequently permits are refused because credentials presented are not satisfactory to the office. The Committee feels that further regulations in this particular respect are not necessary at this time.

In the evening centers, the situation is somewhat different, for club activities are carried on under the general oversight of the person appointed in charge of the center. Recently the superintendent asked the director to enforce more stringent regulations regarding the use of rooms for club activities of any kind. The School Committee believes that this work, too, is being handled with due care.

Respectfully yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

#### CONSERVATION OF EYESIGHT CLASS.

The following was received:

City of Boston,  
Office of the Mayor, March 11, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Secretary of the School Committee relative to your order of February 20, 1939, concerning the extension of the Conservation of Eyesight Classes through the high school grades instead of discontinuing it at Grade IX as at present.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, March 9, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on February 20, 1939, an order was passed requesting the School Committee, through your Honor, to extend the Conservation of Eyesight Classes through the high school grades instead of discontinuing them at Grade IX as at present.

The School Committee has directed me to say that the Superintendent of Schools now is considering the feasibility of gathering into a single school building pupils with defective eyesight who are scattered throughout the high schools of the city. The superintendent feels hopeful that it may be possible to make some arrangement for the care of these upper grade pupils with defective sight in the new Vocational and Opportunity School which it is planned to open this fall in the Continuation School building.

Respectfully submitted,  
ELLEN M. CRONIN, Secretary.

Placed on file.

#### SIX-YEAR EVENING HIGH SCHOOL COURSE.

The following was received:

City of Boston,  
Office of the Mayor, March 11, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Secretary of the School Committee relative to your order of January 23, 1939, concerning the establishing of a six-year evening course at the Central Evening High School.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, March 8, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on January 23, 1939, an order was passed requesting the School Committee, through your Honor, to reconsider its action regarding the suggestion for the establishment of a six-year course in the Central Evening High School, which shall be accepted as equivalent to a day high school course.

The School Committee respectfully reports that after careful consideration, and upon receipt of the best information available, it has been decided that it is inadvisable at this time to attempt to establish an evening high school course which shall be the equivalent of the day high school course.

Respectfully yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

#### ENTRANCE AGE FOR KINDERGARTEN CHILDREN.

The following was received:

City of Boston,  
Office of the Mayor, March 11, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Secretary of the School Committee relative to your order of January 23, 1939, concerning the rescinding of the present age limit for children entering the kindergarten.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, March 9, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—The City Council in meeting, January 23, passed an order requesting the School Committee, through your Honor, to rescind the present age requirement for admissions to the kindergartens and to establish the entering age as four years on or about October 1 of the year of application for admission.

The School Committee has directed me to say that the present regulation which establishes the age for admission to kindergartens as four years six months on September 1, was established after very careful consideration. The Committee believes that the change was justified and will work to the advantage of the children. It will prevent a good deal of the retardation which now occurs in the early grades.

It seems to the School Committee that no change in the regulation now is desirable.

Respectfully yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

#### BUS LINE FROM GREEN STREET.

The following was received:

City of Boston,  
Office of the Mayor, March 11, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway Company relative to your order of February 14, 1939, concerning the establishing of a bus line along the following route: From Green street up Centre street, through May street to Pond street, terminating at the Brookline-Boston line, Ward 19.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
March 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your letter of February 23 with order of the City Council, I would say that we have considered the request for establishment of bus service between Centre street and the Brookline-Boston line via May and Pond streets, but we feel that it would not be self-supporting and therefore cannot at the present time be justified.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

#### TRAFFIC LIGHTS, COMMONWEALTH AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, March 13, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of March 6, 1939, concerning the installation of automatic traffic signals at Deerfield street on the north side of Commonwealth avenue and at the intersection of Brookline avenue with the south side of Commonwealth avenue.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, March 11, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated March 6, 1939, which reads as follows:

“Ordered. That the Traffic Commissioner of the City of Boston be requested, through his Honor the Mayor, to install automatic traffic signals at Deerfield street on the north side of Commonwealth avenue and at the intersection of Brookline avenue with the south side of Commonwealth avenue.”

We have reason to believe that the intent of this Council order is rather to amend the operation of the existing traffic signal in this portion of Kenmore square so that an exclusive pedestrian period may be afforded than requesting the installation of automatic traffic signals.

Requests of this nature have been recurrent since the installation of the traffic signal in Kenmore square in 1932. Every one conversant with traffic conditions in this area must realize that, particularly during rush hours, the vehicular traffic passing through this area requires 100 per cent of the time and often this is not sufficient. For this reason we have never been able to operate the signal so as to provide a pedestrian period. To accommodate this request it would require that a pedestrian period of from thirty-six to forty seconds, which would use 36 to 40 per cent of the time as the signal operates on a 100-second cycle, be inserted in the operation of the signal, because the persons who are interested in the request are desirous of being able to cross on foot from the corner of Deerfield street to the corner of Brookline avenue, at the Hotel Buckminster. This is a distance of 156 feet which would require thirty-six seconds to traverse at three miles per hour, the average walking speed of a pedestrian.

It is unfortunate that this request cannot be honored, but we believe that a person who wishes to cross this area should use the pedestrian subway even though the use of it results in a degree of inconvenience.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighers of Coal: Astor B. McLean, 21 Lincoln street, Hyde Park, Mass.; Con Moynihan, 53 Mozart street, Jamaica Plain, Mass.

Severally laid over a week under the law.

HAND-STRAPS IN BUSES.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway Company relative to your order of February 27, 1939, concerning the equipping buses with leather hand-straps for passengers who are obliged to stand.

Respectfully,  
MAURICE J. TOBIN, Mayor.

—  
Boston Elevated Railway,  
March 3, 1939

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your letter of March 1 with order of the City Council, I would say that in lieu of leather hand-straps our buses are equipped with hand-poles located at a height convenient for passengers and with grab-handles on the backs of all transverse seats.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

SEWERAGE CONDITIONS, WARD 10.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Public Works Commissioner relative to your order of December 19, 1939, concerning the sewerage conditions, etc., along the Riverway, Jamaicaaway and South Huntington avenue in Ward 10.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, March 3, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Re City Council order dated December 19, 1938, requesting that the Commissioner of Public Works conduct an investigation into sewerage conditions, etc., along the Riverway, Jamaicaaway and South Huntington avenue, in Ward 10.

Dear Sir,—In compliance with the above order an investigation was made, and I submit the following report:

Riverway. Custodians of apartments along Riverway near Huntington avenue report that sewer and surface drains function properly and they have no complaint.

Jamaicaway. Apartment houses from No. 10 to No. 60, inclusive. The basements of these apartments were badly flooded during abnormal rainstorms which occurred during July and August, 1938. The water entered through the rear basement doors and windows and came from the flooding of a low point in South Huntington avenue about opposite the rear of No. 20 Jamaicaaway. The water in South Huntington avenue formed a large pond, and at the low point flowed across the northerly sidewalk, through a store property at No. 41 South Huntington avenue, also through the yard space between Nos. 41 and 35 South Huntington avenue to the rear of the apartments where it entered, flooding the basements.

The flooding of South Huntington avenue was caused by the filling of the catch-basins at the low point in South Huntington avenue with a clay silt carried in suspension by rain water. The silt not only filled the catch-basins but left a deposit several inches deep in the roadway.

The clay silt came from a large vacant lot, believed to belong to Otis Shepard heirs, on the southerly side of South Huntington avenue near Heath street. The surface of the lot for a depth of about 150 feet from South Huntington avenue is about two feet above the grade of South Huntington avenue and then rises almost perpendicular to the top of Parker Hill. This steep slope is denude of vegetation.

During most rain storms, but particularly during heavy storms, the water passing over the steep slopes of this lot pours a stream of yellow-colored water onto the southerly side of South Huntington avenue, where it flows in an easterly direction to the low point described above.

In addition to the above, there is a very quick run-off of storm water from the back lots of brick apartments on the southerly side of South Huntington avenue, which water, carrying some sand and gravel, outlets directly at the low point through Colburn street (private street).

The number of catch-basins and the size of the surface drain in that part of South Huntington avenue in question are adequate to prevent serious flooding, provided that steps are taken to prevent the clay silt from the vacant lot adjacent to Heath street from washing onto South Huntington avenue. A wall along the street line of the lot would help materially but might create a pond in the rear of the wall that would be a hazard to children. This department has requested the Law Department to interview the owner of this lot in an effort to work out a satisfactory solution.

The Sewer Division has been instructed to keep these basins clean and functioning properly, so that even under present conditions every effort is being made to cope with the situation.

The owners of the Jamaicaaway apartments have built a high concrete wall along their rear property line which effectively protects them from future flooding from South Huntington avenue.

The delay in replying to the Council order is attributed to the claim by the Jamaicaaway apartments that occasionally they have trouble

with their house sewer. In order to properly investigate this claim it was necessary to observe the functioning of the drains during heavy storms. The conclusion is, except as noted below, that most of their trouble, which occurs infrequently and is not of a serious nature, is due in part to the arrangement of drains within the building, and they have been instructed accordingly.

The Jamaica way apartments are connected with a sewer in the Jamaica way, the sanitary sewer and the roof water going into a common sewer. To provide better drainage, a separate surface drain should be provided and a study is now being made to determine if this can be done at a reasonable cost.

The owner of No. 40 to No. 60 Jamaica way complains of water standing in the gutter in front of the apartment. This is a question of grading, and has been referred to the Park Department for action.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### ELLINGTON STREET, WARD 14.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of February 27, 1939, concerning the resurfacing with smooth pavement Ellington street, Ward 14, from Erie street to Blue Hill avenue.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, March 7, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Ellington street, Ward 14, from Erie street to Blue Hill avenue.

Please be advised that this street is on a W. P. A. project for resurfacing and the work will be done some time this year.

Very truly yours,  
GEORGE F. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### "SLOW" SIGN ON AMORY STREET.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of February 14, 1939, concerning the installation of a "Slow" sign on Amory street, Ward 11, about one hundred feet before entering Green street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, March 6, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated February 14, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install a "Slow" sign on Amory street, Ward 11, about one hundred feet before entering Green street."

In accordance with request received in letter dated February 7, 1939, from Councilor Edward L. Englert, we erected a reflector button type "Slow" sign in the northwest side of Amory street about 100 feet northeast of Green street, on February 20, 1939.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.  
Placed on file.

#### IMPROVEMENTS, PRINCE STREET PLAYGROUND.

The following was received:

City of Boston,  
Office of the Mayor, March 11, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department chairman relative to your order of March 6, 1939, concerning the improvements on the Prince Street Playground which was formerly occupied by the old gas houses.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, March 9, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have your memo of March 9 with inclosure, order from the City Council that the Park Commissioner be requested to make the needed improvements on the Prince Street Playground by removing the stones and debris and installing proper lighting facilities in order that the people of the district might derive some benefit from it.

Please be informed that this is a W. P. A. project. There are no stones or debris on the playground, and the area has been used by the public for skating when the boys of the district would allow the ice to form. They have repeatedly smashed it with stones, tin cans, and anything they could lay their hands on.

The project is not complete, but immediately upon completion lighting arrangements will be made.

The department should be commended instead of criticized for the work it has done down there in making this place into a playground that could be utilized by the public this winter.

Respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### CONDITIONS AT CITY FUEL COMPANY.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Health Commissioner relative to your order of February 14, 1939, concerning an immediate investigation of the condition of the property at the City Fuel Company on Border street, East Boston, and report their findings and recommendations forthwith to the City Council relative to the coal-dust nuisance.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Health Department, March 6, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—We have your communication of February 23, 1939, transmitting to this department "City Council order of February 14, 1939, concerning the immediate investigation of the condition of the property at the City Fuel Company on Border street, East Boston, and report their findings and recommendations forthwith to the City Council relative to the coal-dust nuisance."

Since the reference to this department of a similar order of the City Council in the spring of 1938, we have kept an almost daily check on this plant, with particular reference to undue dust arising from the handling of coal.

No complaints have been received by this department and our own investigations indicate that everything possible is being done to prevent an unreasonable amount of dust.

The coal yards and docks of the City Fuel Company are located in a business zone and have been in operation for about sixty years and approximately two hundred and twenty-five persons are employed by this concern.

It is possible that a plant of this size may, at times, cause some dust, but our investigations, covering a long period, do not reveal anything that could be construed as a public health nuisance.

There is heavy traffic, including coal trucks of various coal companies, on Border and Meridian streets which may be responsible in some measure for the complaint.

We find no action necessary at this time. The Housing and Sanitation Division of this department will continue to keep the plant under observation and, if the necessity arises, and in our opinion a nuisance exists, we will take the proper steps to abate it.

Respectfully yours,  
H. F. R. WATTS, M. D.,  
Health Commissioner.

Placed on file,

COUNCIL LOCKER ROOM LAVATORY.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Superintendent of Public Buildings relative to your order of February 27, 1939, concerning the equipping the lavatory in the locker room of the City Council with an automatic flusher.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Buildings Department, March 3, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—Referring to the attached order of the City Council, I have to inform you that it is contemplated in the present remodelling of the upper floors of City Hall to include complete and modern plumbing facilities.

Very truly yours,  
LEO F. POWER,  
Superintendent of Public Buildings.

Placed on file.

SURVEY OF PART OF WARD 19.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a letter from the Public Works Commissioner relative to your order of February 20, 1939, concerning the making of a survey of that section of Ward 19 known as the "White City" with a view of building new streets and repairing the present streets which are in poor condition.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
March 6, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works make a survey of that section of Ward 19 known as the "White City" with a view of building new streets and repairing the present streets which are in poor condition.

Upon investigation I find that the following-named streets are private ways and this department has no jurisdiction therein. The matter of acceptance should be taken up with the Board of Street Commissioners, 401 City Hall Annex, Boston:

Northbourne road, Hyde Park avenue to Bourne street.

Southbourne road, Hyde Park avenue to Eastland road.

Westbourne road, Southbourne road to Florence Street East.

Bourne street, Walk Hill street to Catherine street.

Woodbourne road, Eastland road to Eastland road.

Bourne road, Eastland road to Eastland road.

Florence Street East, Wachusett street to Southbourne road.

The following-named streets are public and come within the jurisdiction of this department, but the condition of same is good and no work is needed on them:

Bournedale road, Wachusett street to Northbourne road.

Wachusett street, Eldridge road to Southbourne road.

Eldridge road, Hyde Park avenue to Patten street.

Eastland road, Bourne road to Bourne road, has been accepted by the Board of Street Commissioners and will be entered for construction some time this year.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

SHELTER, BLUE HILL AVENUE AND SEAVER STREET.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway Company relative to your order of February 14, 1939, concerning the construction of a waiting booth at the corner of Blue Hill avenue and Seaver street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
February 27, 1939.

Mr. W. T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your letter of February 23, with copy of order of the City Council concerning the construction of a waiting booth at the corner of Blue Hill avenue and Seaver street, I think you will readily appreciate that it would be a very expensive proposition to provide shelters at all points on our system where there is considerable transferring between lines or where there are a number of patrons waiting for a car or bus, and the trustees have felt that in view of the deficit at which the railway is being operated they could not justify expenditures for that purpose.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

SIDEWALKS, WASHINGTON STREET, WARD 19.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of January 9, 1939, concerning the installation of sidewalks on both sides of Washington street, Ward 19, from Archdale road to Roslindale square, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
March 1, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that granolithic or asphalt sidewalks be installed on both sides of Washington street, Ward 19, from Archdale road to Roslindale square, under the W. P. A. plan of construction.

A recent canvass of this street has been made, the result of which is that there are twenty-one years, eight nays, and four doubtfuls, showing that the greater number of abutments have signified their willingness to pay their proportionate assessment of the cost of the work.

I recommend that a lien order be put through the City Council so that this work can be submitted on a W. P. A. project.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

### RAZING OF WEST ROXBURY VETERANS' HOSPITAL BUILDINGS.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of February 14, 1939, concerning the arranging for a W. P. A. project for the immediate razing of all buildings on the property formerly known as the West Roxbury Veterans' Hospital.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
March 1, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have copy of the following order that was passed in the City Council on February 14:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange a W. P. A. project for the immediate razing of all buildings on the property formerly known as the West Roxbury Veterans' Hospital."

In accordance with the provisions of the order, a W. P. A. project will be submitted immediately for the demolition of all the buildings on the property. I feel that this will be a worth-while project, as it not only will remove dilapidated buildings which are no asset to the community, but will also provide the city with building materials that will be salvaged and used in the construction of modern and up-to-date garages and office buildings in the various yards of the Public Works Department.

I recommend that this order be approved.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

### REVENUE LOST TO ELEVATED THROUGH OPERATION OF OUTSIDE BUS LINES.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway Company relative to your order of February 20, 1939, concerning revenue lost by the Boston Elevated in connection with out of town bus lines operating into the city proper.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
February 28, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your letters of February 24 inclosing orders of the City Council passed February 20, 1939, concerning revenue lost by the Boston Elevated in connection with out-of-town bus lines operating into the city proper.

When the question of the Fall River bus line came to the attention of the railway, its first interest was to protect the revenue of the Elevated as far as it could, without being inconsistent with the general public interest of Boston.

We insisted that the Eastern Massachusetts Railway Company should agree that no passengers should be taken on inside of the Stoughton-North Easton line and they so agreed. Under such conditions the operation of this line would not affect the revenue of the Elevated because it is the substitution of motor bus service for traffic which formerly did reach downtown Boston by steam railroad or automobile.

It was stated that the reason for this bus operation was the curtailment of steam railroad service. This was consistent with the policy which the railway has previously pursued to protect its revenue. Transportation from the group of towns adjacent to the Elevated's outer boundaries is the only service which should, if possible, be prevented from going beyond Elevated terminals and thus help to provide revenue for the Elevated as well as the taxpayers.

The attached list shows the out-of-town bus lines now operating to Elevated terminals and to downtown Boston from the furthestmost group of towns and from the towns which we consider tributary to the Elevated system.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

### LIST OF LICENSES ISSUED BY THE DEPARTMENT OF PUBLIC UTILITIES TO OUT-OF-TOWN BUS COMPANIES FOR OPERATION INTO BOSTON ELEVATED TERRITORY.

#### ARLINGTON.

Arlington and Billerica and Concord (Middlesex & Boston).

Arlington: From Boston Elevated carhouse at Arlington Heights via Massachusetts avenue to Arlington and Lexington town lines.

Arlington to Concord (Lovell Bus Lines).

Arlington Heights: To Lexington line via Massachusetts avenue.

Condition: Shall not admit or discharge passengers in the towns of Lexington and Arlington except the terminus in Arlington.

Arlington to Winchester (Eastern Massachusetts).

Arlington: On Mystic street between the Winchester line and Winslow street, on Winslow street, Prescott street and Russell street.

Arlington: Mystic street between Winslow street and Massachusetts avenue, Massachusetts avenue, Water and Russell streets.

#### BOSTON.

Boston to Fitchburg (Boston & Maine).

Terminal: On Providence street, Church street, Boylston street, Charles street, West Boston bridge.

Cambridge: From Boston line over West Boston bridge, Main street to Kendall square, Main street, Massachusetts avenue to Arlington line.

Arlington: From Cambridge line over Massachusetts avenue to Lexington line.

Condition: Shall not take on or discharge passengers in Cambridge except at its terminus (Kendall square) or in Arlington except that while operating in an easterly direction it may stop at the Boston Elevated Railway carhouse at Arlington Heights to discharge passengers and when operating in opposite direction may stop at Arlington Heights to take on passengers.

Boston to Framingham (Boston & Worcester and New York Street Railroad).

Boston: From Brookline line at Huntington avenue via Huntington avenue, Boylston street, Berkeley street, Columbus avenue and Park square.

Brookline: From Newton line over Boylston street and Washington street to Boston line at Huntington avenue.

Condition: No local business within Boston Elevated territory and vehicles operated shall not, when bound towards Boston, take on passengers after passing Newton-Brookline line nor in opposite direction discharge passengers before passing said line.

Boston to Worcester (Boston & Worcester and New York Street Railroad).

Boston: Park square, Charles street, Beacon street, Commonwealth avenue, Brighton avenue, North Beacon street to Watertown line.

Watertown: From Boston line over North Beacon and Main streets to Waltham line.

Condition: No local business to be done in Boston Elevated territory and petitioner shall not, when bound towards Boston, take on passengers after passing Waltham-Watertown line and when going in opposite direction discharge passengers before passing said line.

Boston to Middleton (Eastern Massachusetts).

Boston-Revere: Boundary line on State Highway, Bennington street, Boardman street, Addison street, Saratoga street, Chelsea street, Porter street, Sumner Tunnel (to Haymarket square).

Revere: On Broadway from Saugus-Revere line to traffic circle at junction of Squire road and Broadway and over new State Highway to Boston and Revere line.

Condition: No passengers shall be taken on or discharged in Revere or Boston except at Haymarket square.

Boston to Norwood (Eastern Massachusetts).

Boston: On Washington street between Dedham and Boston line and Forest Hills station.

Condition: Shall not take on or discharge passengers in Boston between Boston and Dedham line and Forest Hills station.

Boston (Eastern Massachusetts).

Between Pierce square and Ashmont station.

Boston to Brockton (Eastern Massachusetts).

Boston: River street between Blue Hill avenue and the bus exit of Mattapan station of Boston Elevated, also from junction of Blue Hill avenue and River street through Mattapan square, Blue Hill Parkway, Neponset River bridge to Milton line.

Boston: From corner of Hill Top street and Granite avenue via Granite avenue, Adams street, Codman street, Dorchester avenue to Ashmont station.

Boston (Middlesex & Boston).

From the Boston-Newton line: On Beacon street, over Beacon street to Cleveland Circle.

Boston (Johnson Bus Lines).

No. 1: From Boston-Dedham line on State Route 1 over State Route 1 to Spring street, Centre street, Columbus avenue, Park square.

No. 2: From Boston-Dedham line at Washington street, over Washington street to Forest Hills station.

Condition: Operate express between Boston-Dedham line and Forest Hills station (Route No. 2). Shall not, when bound towards Park square, taken on passengers after passing Westwood-Walpole line nor in opposite direction discharge passengers before passing said line (Route No. 1). Limited to 10 trips daily each direction.

Boston to Saugus (Hart Bus Lines).

Start from junction of Frank P. Dennett Highway (C1) and Newburyport Turnpike over said Dennett Highway in Saugus-Malden-Revere, International Highway to traffic circle at Squire road at Broadway (Revere) over American Legion Highway (Revere) to Revere-Boston line over William McClellan Highway, Saratoga street, Chelsea street to Maverick square.

Condition: Shall not pick up or discharge passengers in Malden, Revere or Boston except at Maverick.

Boston & Milton (Eastern Massachusetts).

Boston: From Milton line via Adams street, Washington street, River street, Central avenue to Milton line.

Boston-Milton-Quincy (Eastern Massachusetts)

Boston: On Hill Top street and on Granite avenue to Milton line.

Boston to Quincy and Hull (Eastern Massachusetts).

Boston: On Blue Hill Parkway and Neponset bridge to Mattapan square.

Boston to Hull (Eastern Massachusetts).

Boston: On Neponset avenue and Neponset River bridge to Neponset terminal

Boston to Blackstone (Medway & Dedham Bus Line).

Boston: From Dedham line over Spring street to a point of about 500 feet easterly from Dedham line.

Condition: Operating towards Boston shall take on no passengers in Dedham between Dexter School and Boston-Dedham line at Spring street and in opposite direction shall discharge on passengers between said points.

Boston to Attleboro (N. E. Transportation Co.).

Boston: Over Spring street, Centre street, South Huntington avenue, Huntington

avenue, Stuart street, Columbus avenue to Arlington street, Providence street, Church street, Boylston street, Park square.

Condition: No local passengers between Boston and Norwood.

Boston to Dedham (N. E. Transportation Co.).

Boston: Over State Highway No. 1, Veterans Foreign Wars Parkway, from Spring street to the Dedham Town line.

Condition: No local business from terminus in Boston and Norwood.

Boston (Brush Hill Transportation Co.)

On River street from Mattapan station to Blue Hill avenue and on Blue Hill avenue to the Boston-Milton line.

#### CAMBRIDGE.

Cambridge (Boston & Maine).

From Boston-Cambridge line over Longfellow bridge, Main street, Broadway, Cambridge street, Massachusetts avenue to Cambridge-Arlington line. Returning over Massachusetts avenue, Peabody street, Kirkland street, Cambridge street, Broadway, Main street and Longfellow bridge.

Condition: Shall not take on or discharge passengers in Cambridge except at Kendall square.

#### MALDEN.

Malden, Linden square, Cliftondale. See special report, page 6 (Hart Bus).

Malden square to Saugus Centre. See special report, page 6 (Hart Bus).

Everett terminal to Lawrence. See special report, page 8.

#### MEDFORD.

Medford-Woburn (Eastern Massachusetts).

Medford: From Winchester line via Winthrop street, Winthrop square, High street, Medford square, Riverside avenue, River street and Salem street to High street.

#### REVERE.

Revere-Saugus (Eastern Massachusetts).

Revere: On Broadway between Squire road and Revere street, on Revere street, Ocean avenue to Boston Elevated Railway loop; also on Broadway between Saugus and Revere line and Squire road.

Revere (Eastern Massachusetts).

On new State Highway between Boston and Revere line and a point on Broadway opposite Squire road.

Condition: That the applicant, while operating motor vehicles, shall not take on nor discharge passengers in Revere south of Revere street and shall not take on passengers at Revere street for conveyance to Boston or intervening points or in Boston for conveyance to Revere street or intervening points or in Boston except at Haymarket square.

#### WATERTOWN.

Watertown (Middlesex & Boston).

From Newton line on Watertown street via Watertown street, Galen street and Watertown square (being a part of Watertown-Needham line).

Watertown-Waltham (Middlesex & Boston).

Watertown: From Waltham line over Main street and Watertown square.

#### BELMONT.

Belmont-Waltham (Middlesex & Boston).

Belmont: On Trapelo road from Waltham line to Boston & Maine Railroad station, Waverley.

Belmont-Waltham (Henry J. Vanass).

Belmont: From corner of Trapelo road and Church street, Church street, Lexington street and Trapelo road to Waltham line.

#### NEWTON.

Newton-Brookline (Metropolitan Coach Co.).

Newton: Over Lagrange street, from Brookline line to Boston line.

Brookline: Over Lagrange street, from corner of Newton and Hammond streets to Newton line.

Modern Bus (Fred C. Woodward).

Needham and Dedham certificate reads: Needham street in Dedham to bridge over Charles river in Dedham.

INTERSTATE BUS LINES TO AND FROM BOSTON.

LINE.	Destination.	Terminal.
Greyhound.....	New York City, etc.....	Park square.
Blueways, Inc.....	New York City, etc.....	Park square.
Boston, Worcester and New York....	New York City.....	Park square.
Black Hawk.....	New York City.....	Park square and Scollay square.
B. & M. Transportation Co.....	Maine, New Hampshire.....	Park square and Scollay square.
Granite Stages.....	Vermont, New Hampshire.....	Park square and Scollay square.
N. E. Transportation Co.....	New York City, etc.....	Park square.
Peter Pan Bus.....	New York City, etc.....	Park square.

Placed on file.

POLICE PROTECTION, MUDDY RIVER.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of February 14, 1939, concerning the assigning of a police detail to Muddy river until such time as some suitable barrier is erected there for the protection of young children who frequent and play on its banks.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Police Department, March 7, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—With reference to your memorandum dated February 23, 1939, with which you sent to this office order passed by the City Council on February 14, 1939, regarding the assignment of a police detail to patrol Muddy river pending the erection of suitable barriers for the protection of children, special instructions have been issued by me to the commanding officer of Division 16 of this department, which covers the Back Bay district.

He has been instructed to have his officers pay particular attention to the course of the river which extends approximately two or three miles, beginning at Bay State road and Beacon street to Willow Pond road.

I assure you that every possible precautionary measure will be taken for the protection of the lives of the children along the riverbanks.

Yours respectfully,  
JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

REPLACING WARD 18 SCHOOL STRUCTURES.

The following was received:

City of Boston,  
Office of the Mayor, March 18, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Secretary of the School Committee relative to your order of March 6, 1939, concerning the advisability of replacing school structures in Ward 18 that have been standing for fifty years and more and are built of wood, such as the Grew, Damon, Greenwood and Fairmount Schools, and the Hemenway School, Readville, which is located adjacent to an "oil farm."

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, March 15, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Sir.—At a meeting of the City Council held on March 6, 1939, an order was passed requesting the School Committee, through your

Honor, to consider the advisability of replacing wooden school buildings in Ward 18 that have been standing for fifty years or more, such as the Henry Grew, Damon, Elihu Greenwood, Fairmount and the Hemenway Schools.

This order of the City Council was received by the School Committee in conference on Monday evening of this week, and the Secretary was directed to inform the Council, through your Honor, that these several buildings are included in the list of buildings recommended for demolition, if and when money is available for new construction.

Respectfully yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

SIDEWALK, SAWYER AVENUE, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, March 18, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of February 14, 1939, concerning the installation of a sidewalk, under the W. P. A. plan of construction, in front of 102 Sawyer avenue, Ward 13.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
March 14, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works install a sidewalk, under the W. P. A. plan of construction, in front of 102 Sawyer avenue, Ward 13.

When this department enters a street it is the policy to clean up the entire street and we do not make a practice of submitting a project to cover only one house on a street.

I would suggest that the order be changed so as to take care of the entire street.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Doris Berman, for compensation for damage to truck by Sanitary truck.

John Coluccino, for compensation for injuries caused by an alleged defect at 204 Bremen street. Continental Baking Company, Inc., for compensation for damage to car by city truck.

Dolores DiNapoli, for compensation for injuries caused by an alleged defect in Meridian street.

Mary Dolemiscolo, for compensation for injuries caused by an alleged defect at 50 Kneeland street.



Arthur S. Dunn, for compensation for damage to car caused by an alleged defect in Boylston avenue.

Harold W. Dwire, for compensation for damage to car by ash cart.

Leslie S. Gillespie, for compensation for damage to car caused by an alleged defect on Cottage Farm Bridge.

Nathan Golner, for compensation for damage to car by city truck.

Theresa Iudica, for compensation for injuries caused by an alleged defect in Putnam street.

Charles L. Jones, for compensation for injuries caused by an alleged defect in Boylston street.

George Kalman, for compensation for damage to car caused by an alleged defect in Chelsea street.

Elizabeth Keefe, for compensation for damage to property at 43 Taber street, caused by overflow of sewer.

Beatrice Klemm, for compensation for loss of property taken by ashmen.

Richard C. MacLaurin, for compensation for damage to car by city team.

Ruth E. MacPherson, for compensation for injuries caused by an alleged defect at Mason and West streets.

William H. McDonald, for compensation for damage to car by city truck.

Roger O'Moore, Inc., for compensation for damage to property at 386 Market street, caused by men removing snow.

Benjamin E. Pike, for compensation for damage to car caused by ice falling from 3 Faneuil Hall.

Herbert Pusick, for compensation for damage to car by city truck.

William J. Quinn, for compensation for damage to property and injuries caused by city truck.

Eitel M. Rankin, for compensation for damage to car by city cart.

Max Rubin, for compensation for damage to truck by city cart.

Leo Ryan, for compensation for injuries caused by city car.

Bradford Sbow, for compensation for damage to car caused by an alleged defect in Huntington avenue.

A. J. Stoffel, for compensation for damage to car by city car.

William Weeks, for compensation for injuries and damage to property by city truck.

Ralph Wexler, for compensation for damage to car by fire truck.

Alfonsina Zafarana, for compensation for injuries caused by an alleged defect at Milk and Washington streets.

Mrs. Cleo Raymond, for compensation for injuries caused by an alleged defect at 19 Stoughton street, Dorchester.

Clemens John Spang, for compensation for damage to truck by city truck.

Elizabeth Barnes, for compensation for damage to property at 23 Gates street, South Boston, caused by bursting water pipe.

Nicolatta Capozzi, for compensation for injuries caused by an alleged defect at 44 Maverick square.

Julia Regan, for compensation for injuries caused by an alleged defect at 3 Castle Rock street.

Executive.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

James A. Ecker, Symphony Hall, March 15, 17.

James A. Ecker, Hotel Stalder, March 15, 16.

Skating Club of Boston, Boston Garden, March 31 and April 1.

Sophia Reed Tokman, Symphony Hall, April 30.

Frank M. Bell, Recital Hall, May 15.

Petition of Boston American League Baseball Company for license for Sunday sports at Fenway Park for term beginning March 15, 1939, and ending October 10, 1939, and term beginning October 10, 1939, and ending March 15, 1940.

DOG TRACK PETITION.

The following was received:

Petition of Greyhound Racing Corporation, by James H. Hayes, president, for approval to conduct dog racing at the Boston Garden, North Station.

Coun. TAYLOR—Mr. President, I move reference of the petition to the Committee on Rules.

Chairman SHATTUCK—The question is on reference to the Committee on Rules.

Coun. WILSON—Mr. President, I ask for a roll call on that.

Coun. TAYLOR—Mr. President, the only reason why I wish that referred to the Committee on Rules is that there may be a lot of legal complications in this matter, due to the fact that the previous petition may or may not be alive at the present time. I think, therefore, that the proper committee to refer the matter to is the Committee on Rules.

Coun. WILSON—Mr. President, while, as I have said before, I am not in favor of dog racing, the purpose of this petition is for the Council, in view of the vote of the people, to determine whether this amusement Garden at the North Station is a proper place for racing. A majority of the Council has already so voted, and the President of the Council, as Acting Mayor, signed a similar order. The ruling of the Justice of the Supreme Court, as I read the papers, was that it was beyond the power of the Acting Mayor to do so, and I understand that this petition is now introduced into the Body because this is the proper place to bring the petition. Before the Racing Commission can grant a license, the City Council is the tribunal to determine whether or not the Garden is a proper place to hold these races. It seems to me, as a member of the bar, that no legal complication is involved. The attorneys representing the company, complying with the court order, in view of Judge Cox's position, are simply presenting to us now a petition upon which we have already voted. In order to be consistent, I am prepared to vote today the same way that I voted a week or two ago. If this is now favorably reported by the Council, it will then go to the Mayor, who is now in the city. It seems to me something of a subterfuge to divert the petition to the Committee on Rules when it should properly go before the Executive Committee of the Council.

Coun. TAYLOR—Mr. President, I don't know whether the councilor from Ward 17 (Coun. Wilson) misunderstands my position in this matter or not. I feel the same way as I did when I voted for it before. There has already been a similar petition acted upon, signed by the President of our body as Acting Mayor. On that petition the Supreme Court has held that the President's signature is invalid. There is a question in my mind, the previous order having been signed by the President of our body as Acting Mayor, and that action under the circumstances having been deemed by the court insufficient, whether the Mayor of Boston can now act on this subsequent petition. That is simply a question for the Committee on Rules to consider, and I can see no objection to it.

The Council voted to refer the petition to the Committee on Rules, yeas 13, nays 3.

Yeas—Coun. Englert, Fitzgerald, Galvin, Harris, Hutchinson, Irwin, Kelly, Lyons, Norton, Rosenberg, Shattuck, Sullivan, Taylor—13.

Nays—Coun. Carey, Chase, Wilson—3.

LEGALITY OF APPROVAL OF PETITION OF GREYHOUND RACING CORPORATION.

A communication was received from the Clerk of the Supreme Judicial Court inclosing decision of Mr. Justice Cox in petition of George T. Lanigan for writ of mandamus against Racing Commission, as follows:

Commonwealth of Massachusetts,  
Suffolk, ss. Supreme Judicial Court.  
No. 38780.  
George T. Lanigan v. Charles F. Connors and Others.

Finding and Ruling.

This case was heard upon the petition and answer. The answer admits all the material matters of fact "correctly pleaded," and, in addition, sets out in detail the proceedings of the Boston City Council on February 16, 1939, consenting to the use of the Boston Garden, so called, for dog racing purposes by the Greyhound Racing Corporation on its petition that was filed February 6, 1939, and the resolution and order of the City Council adopted on February 20, 1939, in which it is alleged "That in the opinion of the

City Council the order passed February 16, 1939, granting consent to the use of the Boston Garden for dog racing purposes is a matter which will not admit of delay, and it so declares. The mayor having notified the Council of his absence from the city from February 16 to March 2, 1938, . . . The additional facts alleged in the answer are not traversed.

It is apparent that the date March 2, 1938, in the resolve adopted February 20, 1939, should be read as March 2, 1939. The order adopted by the City Council on February 16, 1939, was approved in writing on February 21, 1939, by the President of the Boston City Council "in his capacity as Acting Mayor of Boston in the absence of the Mayor, Maurice J. Tobin."

The charter of the City of Boston (St. 1909, c. 486, s. 47) provides, among other things, that in the case of the absence of the Mayor, the President of the City Council shall perform his duties; that he shall be called Acting Mayor, and shall possess the powers of Mayor only in matters not admitting of delay. Compare G. L. (Ter. Ed.), c. 43, s. 26, as amended by St. (1938), c. 378, s. 9.

The question in the case is whether the granting of the consent of the City Council for the use of the Boston Garden for dog racing purposes is a matter not admitting of delay. I find and rule that it is not. *Dimick v. Barry*, 211 Mass. 165.

The writ is to issue commanding the respondents to refrain from granting any license to the Greyhound Racing Corporation based upon the purported consent of the Boston City Council by order adopted February 16, 1939, and purportedly approved on February 21, 1939.

Louis S. Cox,  
Associate Justice  
Supreme Judicial Court.

March 14, 1939.  
A true copy.  
Attest,

CHARLES S. O'CONNOR,  
Clerk.

March 14, 1939.  
Placed on file.

#### CHANGE OF NAMES OF STREETS.

Notice was received from the Board of Street Commissioners of change of names of streets as follows:

Ivy street, Boston proper district, from Mountfort street to St. Mary's street: new name, Buswell street.

Warren street, Brighton district, from Commonwealth avenue to the Brookline boundary line: new name, Kelton street.

Placed on file.

#### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Chairman SHATTUCK called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor March 6, 1939, of Raymond W. Tinkham, Samuel A. Levine and Thomas P. McGuinness, to be Weighers of Coal; and John Peshin and Walter F. Duggan, to be Weighers of Goods.

The question came on confirmation. Committee, Coun. Irwin and Sullivan. Whole number of ballots 13, yeas 10, nays 3, and the appointments were confirmed.

#### SALE OF LAND TO MERCHANTS NATIONAL BANK.

Chairman SHATTUCK called up No. 2 on the calendar, viz.:

2. Order authorizing the sale to Merchants National Bank of two square feet of land, being a discontinued portion of Congress street.

The order was read a second time and again passed, yeas 18, nays 0.

#### REPORT OF COMMITTEE ON JITNEY LICENSES.

Coun. ENGLERT, for the Committee on Jitneys, submitted the following:

Report on petition of Canton & Blue Hill Bus Line (referred December 29, 1938) for license to

operate motor vehicles across Mattapan square from Milton line to rapid transit terminal of Boston Elevated Railway Company—that leave be granted.

Report accepted; said license granted under normal conditions.

#### PAYMENT OF AID TO SOLDIERS AND SAILORS.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of March.

Report accepted; said order passed.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

Report on petition (referred March 6) of Boston & Albany Railroad Company for driveway opening at 56-91 Huntington avenue—that leave be granted.

Report accepted; leave granted under usual conditions.

#### PAYMENT TO WIDOW OF SHERIFF KELIHER.

Coun. FITZGERALD offered the following: Resolved, That the City Council of Boston hereby approves the enactment of legislation to authorize the County of Suffolk to pay to the widow of John A. Keliher, late sheriff of said county, the balance of the salary to which he would have been entitled had he lived and served until the end of the term for which he was elected; provided that such legislation includes a referendum to the Mayor and City Council.

The resolve was passed under suspension of the rule.

#### INTEREST ON HOME MORTGAGES.

Coun. FITZGERALD offered the following: Ordered, That his Honor the Mayor request the Board of Assessors to confer with the officials of all savings banks, trust companies and national banks located in Boston, and holding mortgages on homes occupied by the persons whose mortgages amount to \$5,000, and who are paying amortization, that the rate of interest be placed at 5 per cent per annum and all mortgages on home dwellings of \$4,000 and less where amortization payments are being made, that the rate of interest be reduced to 4 per cent per annum.

Passed under suspension of the rule.

#### REPLACING HUNTINGTON AVENUE WATER MAIN.

Coun. CAREY offered the following:

Ordered, That, in view of the serious interference with residents in the district, as well as the hardship imposed on business houses in the neighborhood, the Commissioner of Public Works be requested, through his Honor the Mayor, to do everything possible to expedite the work of replacing the water main on Huntington avenue, between Brigham Circle and the overpass on Huntington avenue, Ward 10.

Coun. CAREY—Mr. President, through Huntington avenue passes one of the heaviest flows of traffic that is found on any main artery in the city. Since January 9 last, due to the replacing of a water main on Huntington avenue between Brigham Circle and the overpass, but one-way traffic has been permitted. This regulation has brought about a serious traffic congestion, and perhaps more important, a detouring of vehicular traffic through Francis street and also through St. Albans road. Both of these latter streets are almost entirely residential and the detouring of this very heavy traffic through them causes very imminent danger to children and other pedestrians during the day and seriously interferes with the peace of the neighborhood at night. Also, residents of Wait street, Parker

Hill avenue, Mission street, Frawley street, Kempton street and other streets in the section are being greatly inconvenienced in getting to and from their homes. Furthermore, business houses along Huntington avenue have been put to considerable inconvenience and loss of trade because of the limiting of traffic to one-way between Brigham Circle and the overpass, and I therefore ask that everything be done—possibly the assignment of more men might help—to hasten the completion of this work and thereby restore the usual two-way movement of traffic on this thoroughfare.

The order was passed under suspension of the rule.

#### PRINTING OF MUNICIPAL REGISTER.

Coun. HARRIS offered the following:

Ordered, That the Statistics Department be authorized, under the direction of the Committee on Rules, to prepare and have printed the Municipal Register for the current year; and that the Clerk of Committees be authorized to prepare and have printed a pocket edition of the organization of the city government; the expense of said register and organization to be charged to the appropriation for City Documents.

Passed under suspension of the rule.

#### TRAFFIC LIGHTS, BENNINGTON STREET.

Coun. IRWIN offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to provide in the 1939 budget a sum sufficient to cover the installation of four traffic signal lights on Bennington street, East Boston, from Neptune road to Orient Heights.

Passed under suspension of the rule.

#### TRAFFIC OFFICERS ON BENNINGTON STREET.

Coun. IRWIN offered the following:

Ordered, That the Police Commissioner of the City of Boston be requested, through his Honor the Mayor, to assign five traffic officers to Bennington street, East Boston, from Neptune road to Orient Heights, until such time as traffic signal lights are installed.

Passed under suspension of the rule.

#### INVESTIGATION OF PET SHOPS.

Coun. IRWIN offered the following:

Ordered, That the Police Commissioner of the City of Boston be requested, through his Honor the Mayor, to make immediate investigation of the records and conditions of all pet shops in the City of Boston.

Passed under suspension of the rule.

#### BUS LINE, SAVIN HILL-CITY HOSPITAL.

Coun. HUTCHINSON offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to establish a bus line from Savin Hill Station to the City Hospital on Sundays during the regular visiting hours.

Passed under suspension of the rule.

#### RESURFACING OF SAVIN HILL AVENUE.

Coun. HUTCHINSON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with concrete paving, under the W. P. A. plan of construction, Savin Hill avenue, Ward 13, from Dorchester avenue to the bridge.

Passed under suspension of the rule.

#### COMPLETION OF BOYLSTON STREET BRIDGE REPAIRS.

Coun. CHASE offered the following:

Ordered, That, in view of the serious traffic congestion and because of the hardships suffered by the merchants and residents in the district, his Honor the Mayor be requested to consult with the contractor who is engaged in repairing the Boylston Street Bridge with a view to hastening the completion of the work.

Coun. CHASE—Mr. President, last December the contract was let to repair this Boylston Street Bridge, up near Massachusetts avenue. The contractor was given six months to complete the work, and technically cannot be called to account for not completing it within a shorter period. But I feel that the contractor should have more civic pride and should endeavor to finish the work within six months, in view of the great inconvenience, traffic congestion and hardship suffered by the merchants and residents in the district. The non-completion of the work of repairing the bridge has tied up traffic, people in the immediate vicinity are unable to get good transportation on the Elevated and much hardship is being endured by everybody who normally has occasion to use that bridge and who is injured by the consequent tie-up of traffic. The merchants in the neighborhood complain of losing business, and people in the vicinity are seriously put out by the tie-up. Two of the main arteries leading into the heart of Boston are in a very badly crippled condition because of the delay. I certainly hope that his Honor the Mayor will take this up with the contractor and endeavor to hasten the work of repairing the bridge. I understand that there are but a few men working on the bridge. I have myself consulted five engineers who have informed me that the work could be done within three months' time from the start if the contractor saw fit. Therefore, I cannot see why the contractor should take advantage of the terms of a contract which allow him six months' time to finish work on this bridge which could be done in three months, and the doing of which in short order would be of immense benefit to the people of Boston.

The order was passed under suspension of the rule.

#### CORRECTION IN MINUTES.

Coun. ROSENBERG offered the following:

Ordered, That the record of the March 6, 1939, minutes of the City Council be changed, on page 116, second column, twelve lines from the bottom by striking out the word "Springfield" and inserting the word, "Quincy" so that the line will read "between Boston and Quincy."

Passed under suspension of the rule.

#### RESURFACING OF DEERING ROAD, WARD 14.

Coun. ROSENBERG offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Deering road, Ward 14.

Passed under suspension of the rule.

#### RELIEF OF TRAFFIC HAZARDS, BLUE HILL AVENUE.

Coun. ROSENBERG offered the following:

Ordered, That the Public Works Commissioner, the Traffic Commissioner, the Street Commissioners and the trustees of the Boston Elevated be requested, through his Honor the Mayor, to immediately confer to formulate plans for a W. P. A. project by extending the present center-loading platform, now in use on Blue Hill avenue in Mattapan, from its present terminus to Blue Hill avenue and Seaver street, in order to relieve the present traffic hazards which now exist along Blue Hill avenue.

Coun. ROSENBERG—Mr. President, the present center-loading platform now in use on Blue Hill avenue in Mattapan square prevents a traffic hazard to those using the street to get to or from the platform, or otherwise, passengers or pedes-

trians. I believe, therefore, that through a W. P. A. project the center-loading might be extended from its present terminus to Blue Hill avenue and Seaver street, thereby affording additional safety not only to pedestrians but to motorists, and relieving the present traffic hazards now existing along the avenue. I trust that the order will pass.

The order was passed under suspension of the rule.

#### RECONSTRUCTION OF BLUE HILL AVENUE.

Coun. ROSENBERG offered the following:

Ordered, That the Public Works Commissioner, the Traffic Commissioner, the Street Commissioners and the trustees of the Boston Elevated be requested, through his Honor the Mayor, to confer at once for the purpose of formulating plans for the reconstruction of Blue Hill avenue, from the American Legion Highway to Seaver street, and provide for a two-barrel highway in the above-mentioned section, to eliminate present traffic hazards.

Coun. ROSENBERG—Mr. President, there is a serious situation at the present time on Blue Hill avenue from the American Legion Highway to Seaver street, because of the fact that the street cars go along one side of the street, and both north and south traffic use the rest of the street, with a threat to motorists going both ways and to pedestrians crossing the avenue. If a two-barrel highway can be provided, with the cars going along the center of the avenue and the north traffic going on one side of the tracks and the southbound traffic on the other, much of the present traffic danger will be eliminated. In the interest of public safety, I believe this should be done, perhaps through a W. P. A. highway project. It seems to me that it would be an arrangement that could be easily devised and carried out, and that it would be a safety measure, removing the present threat to pedestrians and motorists and simplifying the flow of traffic.

The order was passed under suspension of the rule.

#### ELECTRIC ARC LIGHTS, WARD 20.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install electric arc lights on both sides of the New York, New Haven & Hartford Railroad bridge on Baker street, between Spring and Centre streets, Ward 20.

Passed under suspension of the rule.

#### IMPROVEMENT OF WARD 20 STREETS.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 20 and to install sidewalks on both sides of same, the work to be done under the W. P. A. plan of construction: Cass street, Tappan street.

Passed under suspension of the rule.

#### STEPS AT STURGES ROAD, WARD 20.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to erect a flight of steps connecting Sturges road with Bellevue street, Ward 20.

Passed under suspension of the rule.

#### INDORSEMENT OF HOUSE BILL 851.

Coun. WILSON offered the following:

Resolved, That the Boston City Council hereby approves and indorses the provisions of House Bill 851, providing for certain legislative action relating to mosquito control, and be it further

Resolved, That a copy of this resolution be at once forwarded to the clerk of the Public Health Committee, Room 450, State House, Boston, the hearings on said bill being scheduled for Tuesday, March 21, 1939.

Coun. WILSON—Mr. President, I have a copy of the bill here, and I suppose the matter might well be referred to the Executive Committee. It proposes legislative action relative to mosquito control along the Charles river.

The resolve was referred to the Executive Committee.

#### OPPOSITION TO SOCIAL SECURITY ACT AMENDMENTS.

Coun. WILSON offered the following:

Resolved, That the Boston City Council desires to be recorded as opposed to such proposed amendments to the present Social Security Act as would repeal exemptions for churches, hospitals and charitable homes, such amendments now being considered by the Ways and Means Committee of the House, and be it further

Resolved, That a copy of this resolution be at once forwarded to each Massachusetts Congressman at Washington.

Referred to Executive Committee.

#### APPRAISAL OF ELEVATED BY FINANCE COMMISSION.

Coun. WILSON offered the following:

Ordered, That the Boston Finance Commission be requested, through his Honor the Mayor, to take suitable steps for an honest and competent appraisal of the tangible property and the supposed assets of the Boston Elevated Railway Company.

Passed under suspension of the rule.

#### INFORMATION FROM HOSPITAL TRUSTEES.

Coun. WILSON offered the following:

Ordered, That the trustees of the Boston City Hospital, through his Honor the Mayor, be directed to at once advise the City Council in response to questions submitted in writing and passed unanimously by the Council as long ago as February 20 and February 27 of the current year, especially relating to nursing facilities and working conditions at the Boston City Hospital, and

Further Ordered, That the Committee on Hospitals be requested to arrange an early date for hearing of the matters referred to in Council inquiries already made and related subjects.

Coun. WILSON—Mr. President, I ask that those two orders be passed under suspension of the rule.

These questions relative to the City Hospital nursing service or lack of service came up for the first time a month ago today, and as one very much interested in the nursing situation at the hospital, and also realizing the difficulties with which the hospital was contending at this particular time, I was glad to agree to the propriety of the request that the matter be allowed to go forward for a short time—until, for instance, the Finance Commission had had an opportunity to investigate and make a report, because I understood that they had had a trained investigator at the hospital for nine years. I also bore in mind the fact that when the matter first came up the hospital trustees were so busy that they could not come down here for even a short time. I think, however, that possibly there lay in the minds of some of the thought that perhaps I or other members of the Council would forget all about the matter. I therefore take occasion to assure the officials at the City Hospital that the matter is not being forgotten, that a month has passed without answering questions that could have been answered in three-quarters of an hour in the first place, and that the time has now come when we should take advantage of the statute which gives us the right, following requests of any department head, to summon them before the City Council, place them under oath, and bring out the facts desired. I really believe when a month has been wasted in a matter of this kind, where I think the public interest demands a prompt answer to the questions we have asked, we should not be tossed around to a degree that is not to the credit of the Council.

Coun. NORTON—Mr. President, a month ago this list of questions was introduced in the Council by Councilor Wilson, and the matter was referred to the Executive Committee, where the mother of

one of the nurses was heard, and at that time we were told by the mother that her daughter had contracted tuberculosis at the City Hospital. The thing was presented in a very dramatic way. I wish now to say, however, for purposes of the record, that the physician-in-chief in charge of such cases at the Mattapan hospital states that in his opinion the young lady is getting better and will probably entirely recover. I know that we are all glad to hear that.

Coun. WILSON—I hope so.

Coun. NORTON—Well, it made headlines for you. Secondly, let me say for the information of the Council that an X-ray plate taken of this young woman while she was at the Danvers Hospital shows that she then had tuberculosis. Get that point. The X-ray shows definite evidence of tuberculosis at that time in that young lady. In other words, she had it when she came to the Boston City Hospital. But, regardless of where she got it, she is now apparently well on the way to recovery. I know that the councilor from Ward 17 (Coun. Wilson) will be glad to hear that, in the opinion of Dr. John Foley, the young lady is going to get better, being now at our River street, Mattapan, hospital for treatment.

Coun. WILSON—Mr. President, the gentleman from Ward 18 (Coun. Norton) has injected personalities into this discussion today. Very frankly, as a member of the Council and as the one who brought this matter to the attention of the Council, when we ask for information from the trustees in reference to nursing or other conditions at the hospital, I don't think it is incumbent on us to have any member of the City Council act as an interpreter for the trustees in the matter. I have not been officially advised as to whether the young lady came from Danvers, and what her condition was when she came, or where the councilor obtained his evidence in regard to the X-ray plate which showed that she had tuberculosis when she came to the City Hospital. If that is true, it is one of the most damaging admissions that could be made. In my opinion, if that young lady showed evidence of tuberculosis when she came to the hospital, why was she allowed to go into a maternity ward with forty patients? If that is so, I want to hear the trustees of the hospital admit it. The gentleman thinks that my entire purpose is to obtain publicity. I think I was entirely justified in the statements I made and the attitude I took when it appeared that the superintendent of the City Hospital was so busy with hospital affairs that he could not come down here and talk with us on the 20th of February in regard to the matter, although he had plenty of time to follow from the hospital in a motor vehicle the sister of our fellow member, giving her personal attention.

Coun. NORTON—Mr. President, what has this got to do with the order that the councilor has introduced? Who is the one who has interjected personalities here? Did I interject personalities? I merely stated that in the opinion of the doctor this young lady was on the way to recovery. Fine! I am glad and every member here is glad to hear that. I referred to the evidence shown by the X-ray plates that this young lady had tuberculosis when she was in the Danvers Hospital. Make the most of that; do all you wish. Where is the personality in those statements? And what has that got to do with the matter under discussion in regard to our City Hospital? And what has the reference to my sister got to do with it? You are looking for trouble, aren't you? You are the one who has stood here and referred to me as a "thing." I am not indulging in personalities, and I want to say to you now that you are the last man in the world to indulge in personalities here.

Coun. HUTCHINSON—Mr. President, I hope that the councilors when they are speaking here will address the Chair.

Coun. NORTON—Well, I will be glad to, Mr. President.

Chairman SHATTUCK—The councilors will be in order, and will address the Chair.

Coun. NORTON—Mr. President, I want to apologize for not addressing the Chair. Sometimes when we are standing here in this way and turning around to each other, without realizing it, we neglect to address the Chair. But I wish to assure the Chair that there was certainly no discourtesy intended on my part. We sometimes, under such circumstances, address the man to whom we happen to be speaking. In regard to the superintendent of the City Hospital following my sister home, I suppose the superintendent of

the City Hospital in his own time can do as he pleases. I know nothing about the circumstance. But if he did, what of it? I suppose the superintendent of the Boston City Hospital is human and is appreciative of the fact that I stood here on the floor of the Council and defended him, because I believe he is a fine superintendent of the finest City Hospital in this country. I suppose he is only human in appreciating the fact that he and the hospital were defended. But I am not going to allow the councilor or any other member of this body to attack that gentleman. There are things that I could throw in here. The councilor has made a statement in regard to a member of my family. I could make a statement here about you that would make the headlines tomorrow, but I am not going to make it. I am not going to attack you, sir, as you have attacked me; but, oh! there is a statement I could make about you, if I wanted to descend to that kind of statement, that would make you sorry for some of the things you have said about me. I have no desire, however, to go into personalities or to bring in members of a person's family. I repeat, however, that if you continue insulting me, either when I am here or when I am not here, I am going to take advantage of the prerogative that is offered to any man under such circumstances. In answer to the statement of the councilor, that he has made for the headlines tomorrow, let me say this—I don't know whether the superintendent of the City Hospital followed my sister out or not. If he did, what of it? What does that show? I know that I have had occasion to call on him for help to deserving people in hundreds of cases, and I know that he has always done what he could within reason in the hospital to relieve suffering and to help out poor people. Therefore, my experience with the hospital and with the superintendent has been an extremely favorable one. He has always done what reasonably could be done at my request and the request of others. Why shouldn't I stand up here for the superintendent of the City Hospital, when he has given such fine service, and defend him against unjust attack? Of course, unfortunate cases such as this tuberculosis case do occasionally arise, but they should not be the cause of subjecting an institution of that character to such unfair attack.

Coun. WILSON—Mr. President, will the gentleman yield for a question?

Coun. NORTON—Yes.

Coun. WILSON—As a matter of fact, didn't the Boston City Hospital put on additional nurses to the number of thirty-five?

Coun. NORTON—Due to the fact that they had an unprecedented number of nurses taken sick during this recent epidemic, the greatest number of such cases that they have ever had in the City Hospital's history.

Coun. CHASE—Mr. President, I do not intend to indulge in personalities or to criticize the hospital in general, but I do recall an incident that occurred a few days before the gentleman from Dorchester (Coun. Wilson) introduced the order in reference to nursing conditions at the City Hospital. A certain police officer came to my home at 11.30 one night, and asked me if it would be possible for me to assist in securing a special nurse for his landlady, an elderly and penniless widow. She was taken to the hospital and the attending physician informed this police officer that if she did not have a special nurse the chances were that she would not live twenty-four hours. In other respects they gave her every possible treatment that they could, but they did not furnish a special nurse. The poor woman had no relatives, and it was absolutely essential for her to have the services of a special nurse, but the only way in which such services were obtained for several days was by the officer and two or three of his friends raising among themselves a couple of dollars apiece which, of course, did not go very far. He could not understand why the hospital did not make provision for special nurses in such cases. I got in touch with the superintendent of the hospital and he had a special nurse put on, after much urging. I feel that a community fund could be used in no better way than to furnish special nurses at the City Hospital in such cases where the patients are very dangerously ill, are poor, and have no friends or family to help them out. I feel that in such cases, even if the hospital cannot see any reimbursement coming, when it is a question of life or death, they should provide the nursing and then try to get the money after-

wards. This hospital is not a financial but a charitable institution. I think in such extreme cases the hospital should provide a special nurse and then look for recompense from relatives or friends, if possible, afterwards.

Coun. CAREY—Mr. President, in view of the explosion this afternoon, and in view of the fact that the nurse in question was put on duty in the Maternity Ward, with the permission of the councilor who offered the order, I would like to change its wording so as to read that the trustees be requested to immediately appear before the Hospital Committee. It might be that the trustees of the hospital and the doctors were justified in permitting a nurse in that condition to administer to newly-born babies. But we are at least entitled as soon as possible to learn the facts. I say, therefore, in behalf of the citizens of Boston, the trustees of the City Hospital owe it to the Council to appear here as soon as possible, and I therefore would urge an amendment changing the words from "an early date" to "an immediate date."

The order requesting the Hospital Trustees to arrange for a hearing at an early date was amended by substituting for "early" the word "immediate." (Both orders were read, at request of Coun. Agnew.)

Coun. LANGAN—Mr. President, I can readily realize that in such a large city as ours there are many things concerning the hospital that from time to time may require necessary changes. I can readily understand, on the other hand, that the duties of the hospital officials are great and varied. There has been created a Hospital Committee, and I think that is the committee through which the City Council on the one hand and the hospital officials on the other can meet and correct many things that should be changed. I feel that much publicity, good and bad, can be entirely eliminated if we would sometimes hesitate a bit on these matters, first referring them to the Hospital Committee for consideration before discussing them at length on the floor. I have been a member of the Hospital Committee since my appointment by President Murray, and I feel that much more would be accomplished if many of the hospital matters discussed at length on the Council floor were first referred to that committee for consideration.

The orders were passed (the second one as amended) under suspension of the rule.

#### PROMISED FINANCE COMMISSION REPORT RE CITY HOSPITAL.

Coun. WILSON offered the following:

Ordered, That the Finance Commission, through his Honor the Mayor, and supplementing similar order passed by the Council on February 27—be again requested to promptly issue promised report relating to nursing care of patients at the Boston City Hospital referring to public statement issued by the Finance Commission about a month ago during the week of February 22, at which time the City Council was requested to delay hearings pending early issuing of such report. Passed under suspension of the rule.

#### PETITIONS FOR TAX ABATEMENTS.

Coun. TAYLOR offered the following:

Ordered, That the Board of Assessors be instructed, through his Honor the Mayor, not to penalize widows and other persons financially unable to pay their taxes, by unfavorable action on their petitions for abatements, where they have a mortgage with a cooperative bank which compels the owners to amortize their mortgages or have their property foreclosed.

Coun. TAYLOR—Mr. President, I have in mind the situation where a widow who owns a house has upon it a mortgage from a cooperative bank. We all know that cooperative banks require every owner to pay so much a year upon the principal of the mortgage. I know of a case of a widow who made application for an abatement, her husband having been dead for a period of three or four months and her son being sick with an incurable illness. The petition for abatement came before the Board of Assessors, and one member of that Board politely said during the year 1937, during which time the husband was alive, a certain amount was paid to the bank

on the principal, and therefore he denied any abatement to that widow. We all know that cooperative banks which hold mortgages on a home will compel the mortgagee to pay as agreed upon or will otherwise foreclose the mortgage, and as a result the mortgagee is penalized on abatement, when she is unable to pay the taxes and seeks an abatement. While other widows and people unable to pay are entitled to abatement under Clause 18, and receive it, she is penalized because a cooperative bank holds the mortgage on the house and is unwilling to yield. I say that it is an unfair situation, and that the Board of Assessors should in such matters use reasonable discretion in granting abatements. This woman has no money, and the bank threatens foreclosure. She cannot pay and faces the likelihood of losing her home. I think such a situation should be considered by any Board of Assessors, and I think his Honor the Mayor should instruct the members of the Board to use reasonable discretion—not denying the petition of a woman like this because she has a cooperative bank mortgage on her house, but giving her the consideration that others receive and are entitled to. The order was passed under suspension of the rule.

#### POLICE PROTECTION AT RIVERS.

Coun. NORTON offered the following:

Ordered, That the Police Commissioner of Boston be requested to consider the advisability of assigning police to cover during the summer season those parts of rivers which flow through residential areas of the city.

Passed under suspension of the rule.

#### CLOSING OF ACTIVE CITY DUMPS.

Coun. NORTON offered the following:

Ordered, That the Health Commissioner, through his Honor the Mayor, consider the advisability of closing up all active dumps that are located in residential areas of the city.

Coun. NORTON—Mr. President, we are now getting into the early springtime and the summer is approaching, and there is a threat from these active dumps in hot weather in the Mount Hope section and other parts of my ward, as well as in other congested areas of the city. This order simply requests the Health Commissioner, through his Honor the Mayor, to consider the advisability of closing, as a menace to health, all active dumps that are located in residential areas, in the warm months. It does seem that this year those dumps should be covered up at such times.

The order was passed under suspension of the rule.

#### PROTEST TO W. P. A. RELIEF CUT.

Coun. SULLIVAN and HUTCHINSON offered the following:

Resolved, Whereas, The reduction of the Presidential Budget for W. P. A. purposes by \$150,000,000, constitutes a dire threat to the economic welfare of thousands of citizens and families of Boston, and

Whereas, Such action must result in increasing the welfare costs of the city, thereby adding to the burden of the small home owner, and

Whereas, By reason of the further lack of money in circulation, the merchant as well as the consumer must, of necessity, suffer by it, be it

Resolved, That the members of the Boston City Council favor the further granting of the \$150,000,000, or such adequate amount as will be necessary for the maintenance of the W. P. A. activities in the National Budget, and be it further

Resolved, That a copy of this resolution be forwarded to each member of the Massachusetts delegation in the United States Congress.

Passed under suspension of the rule.

#### BOSTON COUNTY AND COUNTY MAINTENANCE.

Coun. SULLIVAN offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to

prepare, introduce, and seek the approval of legislation to set up and establish Boston as a county.

Referred to the Executive Committee.

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to prepare, introduce, and seek the approval of legislation which will cause each town and city in Suffolk County to contribute its proportionate share to the cost of county maintenance.

Coun. SULLIVAN—Mr. President, Suffolk County as now established and operating is really non-existent, because Boston taxpayers pay the entire cost of county government. Of so little importance are the duties of County Commissioners in Suffolk County that they are delegated to the twenty-two members of the Boston City Council, who are required to give them only casual consideration. The present Suffolk County government is an archaic institution which is a relic of the days when some of the communities now included in Boston's twenty-two wards were independent towns. It is my hope that the public opinion of the citizenry of Boston will be aroused and that this distressing matter would be brought to a speedy and satisfactory solution. In 1938 the burden of maintaining the existing Suffolk County government added \$2.33 to the Boston tax rate. This, in effect, meant that the small home owner struggling to carry property assessed in the vicinity of \$5,000 had to pay approximately \$12 to maintain the county government which has little direct bearing on his affairs. Boston, for example, maintains the Deer Island House of Correction, the cost of which in 1938 was \$439,045, and as a consequence maintains a Penal Institutions Department to supervise that place, and a steamer to provide transportation. The total cost in 1938 was \$530,161. While minor offenders of Revere, Chelsea and Winthrop are being sentenced there, not one penny is ever contributed by the taxpayers of these communities for upkeep of the institution. What is true of Deer Island is true of Charles Street Jail, where offenders from all parts of Suffolk County are housed. In 1938, Boston taxpayers spent \$250,223 to maintain the jail and not one penny was borne by the favored property owners of Revere, Chelsea and Winthrop. Citizens of Boston pay all costs of East Boston Court, although all citizens arrested in Winthrop are arraigned there at no cost to the Winthrop taxpayers. Separation of Chelsea, Winthrop and Revere from Boston will result in arraignment of Winthrop prisoners in Chelsea Court, with the local community contributing to expenses of the court. Operating expenses of Chelsea Court are likewise borne by Boston taxpayers, fantastic as that may seem, and the 1938 cost of that unfair burden to Boston was \$40,617. Few Bostonians realize the burden placed upon small home owners of the city by the existing Suffolk County government. Total costs of all county departments to Boston taxpayers in 1938 was \$3,563,796. Chelsea, Revere and Winthrop were not required to meet any of this deficit and this unbearable situation will continue forever unless an aroused public opinion compels the state government to establish Boston as a separate county. I can see no reason why the thousands of industrious and economic home owners, who, at the present time are faced with the possible loss of their homes that represent years of thrift and industry on their part, should be forced to pay for the maintenance at Deer Island of drunks and wife beaters from Winthrop, Chelsea, and Revere. There was an historical cry to the effect that there should be no taxation with representation, but either towns and cities composing Suffolk County have certainly reversed the order of things. They have representatives on the political pay rolls of the county, but pay no taxes or contribute to it. This is a striking disregard of the welfare of the people who are paying the costs. At the present time there is pending in the Legislature a bill to separate Plymouth and Norfolk Counties, which have a composite population of only 462,000. The bill seems to have made some progress. Now, certainly on the basis of population, Boston, which has in excess of 800,000 population, and Suffolk County which has in excess of 915,000 have ample reason to seek a measure which would tend to separate these cities and towns for Boston, in the Legislature. In view of the political issues involved, Boston may be a voice crying in the wilderness for this measure, but the citizens of Boston in general will

look with interest to these activities of the Legislature on this matter. Our country cousins at Beacon Hill, who have constantly been striving to deprive Boston of the home rule by presenting the excuse that it is for economic security, cannot hedge on this matter.

Referred to the Executive Committee.

#### COOPERATION WITH SOMERVILLE FIRE DEPARTMENT.

Coun. GALVIN offered the following:

Ordered, That the Fire Commissioner of the City of Boston be requested, through his Honor the Mayor, to arrange with the Somerville Fire Department, a cooperative plan, in order to have the Somerville department answer all alarms in the Sullivan square district of Charlestown.

Passed under suspension of the rule.

#### BUNKER HILL AS NATIONAL SHRINE.

Coun. GALVIN offered the following:

Ordered, That the Governor of the Commonwealth be requested, through his Honor the Mayor, to memorialize Congress for the enactment of legislation commemorating the Monument Grounds at Bunker Hill as a National Shrine.

Passed under suspension of the rule.

#### PREFERENCE TO WELFARE RECIPIENTS ON SNOW WORK.

Coun. GALVIN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to give preference to recipients of welfare when assigning men to snow removal work, provided they are physically able to do the work required, and are citizens.

Passed under suspension of the rule.

#### WELFARE ALLOTMENT TO SNOW WORKERS.

Coun. GALVIN offered the following:

Ordered, That the Director of the Public Welfare Department be requested, through his Honor the Mayor, to cooperate with the Commissioner of Public Works relative to the employment of able-bodied welfare recipients for snow removal work, and be it further

Ordered, That the earnings of welfare recipients who have been assigned to snow removal work will, in no way, affect the regular welfare allotment of the family.

Passed under suspension of the rule.

#### REPAIR OF PARK BENCHES, ARBORWAY.

Coun. LANGAN offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to arrange for the immediate repair of the park benches on the Arborway, at Forest Hills, Ward 19.

Passed under suspension of the rule.

#### RECESS.

The Council voted at 3.35 p. m., on motion of Coun. McMAHON, to take a recess subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 4.42 p. m.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusement:

James A. Ecker, Symphony Hall, March 15 and 17.

James A. Ecker, Hotel Statler, March 15 and 16.  
Skating Club of Boston, Boston Garden, March 31 and April 1.

Sophia Reed Tokman, Symphony Hall, April 30.  
Frank M. Bell, Recital Hall, May 15,—

recommending that leave be granted.

Report accepted; leave granted on usual conditions.

2. Report on petition of Boston American League Baseball Company (referred today) for license for Sunday sports at Fenway Park—recommending that license be granted.

Report accepted, license granted under usual conditions.

3. Report on order (referred today) that Corporation Counsel introduce legislation to set up Boston as a county—that same ought to pass.

4. Report on order (referred today) for legislation causing each town and city in Suffolk County to contribute its proportionate share to cost of county maintenance—that same ought to pass.

Reports accepted, said orders passed.

5. Report on order (referred today) that Council approves provisions of House Bill 851 providing for legislative action relating to mosquito control—that same ought to pass.

Report accepted, said resolve passed.

6. Report on resolve (referred today) that Council is opposed to such proposed amendments to present Social Security Act as would repeal exemptions for churches, hospitals and charitable homes, such amendments now being considered by the Ways and Means Committee of the House, and that a copy of resolution be at once forwarded to each Massachusetts Congressman at Washington, recommending that same ought to pass.

Report accepted, said resolve passed.

7. Report on petition of Gertrude C. S. Galvin (referred October 17, 1938) to be paid an annuity on account of death of her husband, Maurice L. Galvin, a member of Fire Department—recommending passage of accompanying order, viz.:

Ordered, That under the provisions of chapter 340 of the Acts of 1933 an annuity of one thousand dollars be allowed and paid to Gertrude C. S. Galvin, widow of Maurice L. Galvin, a member of the Fire Department, who died on September 30, 1938, on account of injuries received in the performance of his duty; said annuity to continue so long as she remains unmarried; the payments to date from September 30, 1938, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted, said order passed.

8. Report on message of Mayor and order (referred today) that Hospital Trustees be authorized to sell approximately 4,365 pounds of obsolete X-ray films—that same ought to pass.

Report accepted, said order passed.

9. Report on message of Mayor and order (referred today) that City Treasurer be authorized to obtain approval of Emergency Finance Board to issuance of \$2,000,000 in notes, bonds or certificates of indebtedness of the city, to be sold at face value to Commonwealth, and proceeds appropriated for purpose of meeting outstanding revenue loans—that same ought to pass.

Report accepted, said order given its first reading and passage, yeas 17, nays 0.

#### LICENSE FOR DOG TRACK.

Coun. FITZGERALD, for the Committee on Rules, submitted the following:

1. Report on petition (referred today) of Greyhound Racing Corporation for permission to conduct dog racing at Boston Garden—recommending passage of accompanying order, Coun. SHATTUCK dissenting from the report.

Ordered, That the consent of the City Council is hereby granted to the location and use of the land on Causeway street, known as the Boston Garden, for dog racing purposes.

The report was accepted and the order was passed, yeas 15, nays 3:

Yeas—Coun. Agnew, Carey, Englert, Fitzgerald, Galvin, Hutchinson, Irwin, Kelly, Kerrigan, Lyons, McMahon, Rosenberg, Sullivan, Taylor, Wilson—15.

Nays—Coun. Chase, Langan, Shattuck—3.

#### BLUE HILL AVENUE SIDEWALK PROJECT.

Coun. ROSENBERG offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to complete the sidewalk project on Blue Hill avenue, in the immediate vicinity of the American Legion Highway, which, at the present time, remains unfinished.

Passed under suspension of the rule.

Adjourned at 4.51, on motion of Coun. LANGAN, to meet on Monday, March 27, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, March 27, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair. Absent, Coun. Irwin, Norton and Taylor.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council the Mayor submitted the following appointments, viz.: Weighers of Goods: Charles J. Freygang, 144 O street, South Boston, Mass.; Lucius H. Floyd, East street, P. O. Box 82, East Foxboro, Mass. Severally laid over a week under the law.

## VETO OF DOG RACING IN BOSTON GARDEN.

The following was received:

City of Boston,  
Office of the Mayor, March 22, 1939.  
To the City Council.

Gentlemen,—I return herewith without my signature and disapproved, the order passed by your Honorable Body on March 20, 1939, for the location of a dog track at the property known as the Boston Garden.

I take this action despite the fact that dog racing is a legally conducted sport in this county and despite the fact that certain revenues accrue to the state and city governments from such sources.

I cannot be convinced, however, that there is any demand from the citizens of our city or county for additional outlets or opportunities to satisfy the gambling instincts, nor I am convinced that an additional dog track in our community would prove of financial benefit to our city. In fact, I am of the belief that the establishment of additional dog tracks at a time when economic conditions are so unstable, and when a large proportion of our citizens are forced to seek direct or indirect relief, cannot fail but have a destructive influence and effect upon the general welfare of our community.

For this reason, and without desiring to set myself up as the keeper of the public's conscience, I feel it to be my responsibility and duty, at this to veto the order as presented me.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

## VETO OF ONE-DAY-OFF-IN-SEVEN FOR POLICE.

The following was received:

City of Boston,  
Office of the Mayor, March 21, 1939.  
To the City Council.

Gentlemen,—I am inclosing a communication which I have received from Police Commissioner Timilty setting forth the facts that to grant one day off in seven, rather than one day off in eight, to members of the Boston Police Force would cost \$85,150 the first year of operation and would be increased to \$109,150 during the fifth year of operation.

To place this added financial burden on the city at this time would tend to place the position, not alone of police officers but of all city employees, in jeopardy. It would also be placing a further burden on the already sadly harassed home owners and property owners of the city.

Therefore, because of the present financial situation of the city, I am returning the order passed by your Honorable Body without my approval.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Police Department, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

My dear Mayor Tobin,—I have your letter of March 20 requesting the number of additional officers that would be required in order to grant one day off in seven, rather than one day off in eight, together with the additional cost thereof, and I submit herewith the following information: Additional Number and Cost for One Day Off in Seven.

	Cost.
Two lieutenants . . . . .	\$5,400
Four sergeants . . . . .	10,000
Forty patrolmen . . . . .	64,000
Additional salary cost . . . . .	\$79,400
Additional cost for uniforms and equipment at \$125 each . . . . .	57,50
Total cost for the first year . . . . .	<u>\$85,150</u>

The patrolmen, as you are no doubt aware, receive an initial salary of \$1,600 per annum, with an annual step-rate increase of \$100 until they reach a maximum of \$2,100.

Very truly yours,  
JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

## PAYMENT OF MEN ON SNOW REMOVAL.

The following was received:

City of Boston,  
Office of the Mayor, March 27, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of February 6, 1939, concerning the arrangement for the payment of men engaged on snow removal work in the yard from which they are assigned, instead of forcing them to go to the Albany street yard to receive their wages.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, March 23, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—The following order that was passed in the City Council on February 6 has been referred to me for consideration:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange for the payment of men engaged on snow removal work in the yard from which they are assigned, instead of forcing them to go to the Albany street yard to receive their wages."

The order was received too late to make the necessary arrangements with the City Treasurer for the payment at the local yards of the men engaged in snow removal necessitated by the storm of the middle of February.

However the emergency workers engaged in the snow removal due to the storm of March 12 and 13 were paid on March 21 in the local yards out of which they worked. The City Treasurer is agreeable to paying all emergency workers at the local yards hereafter, and I therefore recommend that this order be approved.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## ISSUANCE OF EMERGENCY ASSISTANCE.

The following was received:

City of Boston,  
Office of the Mayor, March 27, 1939.  
To the City Council.

Gentlemen—I transmit herewith letter from the Public Welfare Executive Director relative to your order of March 6, 1939, concerning the issuance of emergency assistance to persons who are in dire need as the result of the change of pay day for W. P. A. employees.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
March 16, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Attention of William J. Doyle,

Dear Sir,—This department has received your communication of March 9, 1939, with inclosed copy of an order from the City Council, dated March 6, 1939, reading as follows:

“Ordered, That the Overseers of the Public Welfare Department be requested, through his Honor the Mayor, to arrange for the issuance of emergency assistance to persons who are in dire need as the result of the change of pay day for W. P. A. employees, particularly to those who were assigned to W. P. A. employment from the welfare rolls.”

The Board of Overseers of the Public Welfare have delegated authority to me to meet any emergency assistance of a dire nature that may result because of the change of pay day for W. P. A. employees from a weekly system of payment of wages to payment of wages once in two weeks. We are hopeful in this department that the need temporarily occasioned by this change will not be great but each individual case will be treated as the merits of the case warrant.

Sincerely yours,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

#### SURVEY OF BLUE HILL AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, March 27, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of March 6, 1939, concerning the making of a survey of the entire length of Blue Hill avenue with the view to making necessary changes in the present traffic regulations to cut down the high death rate on this heavily traveled thoroughfare.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, March 23, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated March 6, 1939, which reads as follows:

“Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make a survey of the entire length of Blue Hill avenue with the view to making necessary changes in the present traffic regulations to cut down the high death rate on this heavily traveled thoroughfare.”

This commission is acutely aware of the serious traffic accident hazard which exists in Blue Hill avenue, Roxbury and Dorchester, from Seaver street to River street, Mattapan square.

Our accident records show that from January 1, 1936, to December 31, 1938, 579 motor vehicle accidents involving personal injury have occurred in this area. Six of the above accidents involved fatal injuries.

It is the opinion of our engineers that certain physical changes must be effected in the roadway of Blue Hill avenue before any constructive attempt can be made to lessen this serious accident hazard.

Public Works Commissioner George G. Hyland has submitted to us for our approval a proposed plan for eliminating the existing street car reservation in Blue Hill avenue, from American Legion Highway to Babson street and replacing it with a seven-foot center-divisional island with the street car tracks flanking the island. We believe this construction, when completed, will materially help conditions in this portion of the avenue.

We believe that the portion of Blue Hill avenue between Seaver street and American Legion Highway should also be reformed, but this change would involve more construction work and therefore greater cost.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

#### TRAFFIC LIGHTING, BLUE HILL AVENUE AND SEAVER STREET.

The following was received:

City of Boston,  
Office of the Mayor, March 27, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of March 6, 1939, concerning a survey of the traffic lighting regulations at the corner of Blue Hill avenue and Seaver street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, March 23, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated March 6, 1939, which reads as follows:

“Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make a survey of the traffic lighting regulations at the corner of Blue Hill avenue and Seaver street, with the view of effecting changes in the present traffic regulations which will permit pedestrian traffic, desiring to cross at this point, additional safety.”

The records in this office show that from January 1, 1936, to December 31, 1938, forty-three motor vehicle accidents involving personal injury, one of which resulted in a fatality, have occurred at this intersection.

The present physical layout of this intersection is such that it is impossible to provide an exclusive period for pedestrians in the showing of automatic traffic signals. It is our opinion that certain major physical changes must be made in Blue Hill avenue before this area can be made safe for pedestrians.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

#### CAR TRACKS, SAVIN HILL AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, March 27, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway Company, relative to your order of February 27, 1939, concerning the removal of the car tracks on Savin Hill avenue and Stoughton street, Dorchester, which tracks are not being used at present.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
March 20, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your letter of March 1 with order of the City Council concerning removal of car tracks on Savin Hill avenue and Stoughton street, Dorchester, I would say that it is the usual practice to remove unused tracks in connection with the reconstruction of streets in which the tracks are located.

We have no objection to removal of the tracks on Savin Hill avenue and Stoughton street but desire to call your attention to the fact that under the law we would be under no obligation to pay any part of the expense of resurfacing the streets.

We have been advised by the Public Works Department that new pavement is to be installed in Stoughton street and we are planning to remove our tracks in connection with that work.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

#### TAX TITLE PROPERTY INFORMATION.

The following was received:

City of Boston,  
Office of the Mayor, March 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Custodian of the Real Estate Division relative

to your order of February 20, 1939, concerning information on tax title property.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Real Estate Division, February 28, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—Herewith you will find the answers to list of questions as requested by an order of the City Council of February 20, 1939.

Very truly yours,  
DANIEL M. DRISCOLL, Custodian.

Answers to List of Questions Requested by Order of City Council February 20, 1939.

1. The total number of tax title properties now in the custody and control of the city.  
Ans. 1,947 properties in custody and care of the city.
2. The total annual assessed value of the same.  
Ans. \$2,973,700 assessed valuations.
3. The total amount owed to the city on said properties, including unpaid taxes, interest and accrued costs.  
Ans. \$937,558 unpaid taxes, interest and accrued costs.
4. The number of tax title properties sold by the city in each of the calendar years 1933 to 1938, inclusive.  
Ans. 4 and 5.  
1933.—No parcels sold.  
1934.—No parcels sold.  
1935.—No parcels sold.  
1936.—No parcels sold.  
1937. 31 parcels sold, \$22,298.35.  
1938.—20 parcels sold, \$13,593.00.
6. The number of tax title properties now leased or rented by the city.  
Ans. 97 leased and rented properties.
7. The total number of such properties now being officially used by the city for city purposes.  
Ans. There are six (6) properties as follows:  
Chandler's Pond, Brighton, Park Department.  
125 Prince street, North End, Park Department.  
202-206 Broadway, South End, Fire Department.  
112 Cummington street, Back Bay, Public Buildings Department.  
265 Atlantic avenue, City, Public Works Department.  
9 Columbia place, Dorchester, Public Works Department.

8. The total amount of rental from tax title properties received by the city during 1938.  
Ans. Total amount of rental in 1938, \$9,917.84.
9. The number of tax title properties sold by the city during the first two months of 1939.  
Ans. Total of eight (8) sales January and February, 1939.
10. The total amount realized from all sales of tax title property sold by the city during the first two months of 1939.  
Ans. Total of \$7,500 realized January and February, 1939.
11. Whether an up-to-date and complete list of all tax title properties now owned by the city, giving the location, the number of square feet, the assessed value and accrued taxes, interest and costs for each parcel, is now readily available in the office of the commissioner for inspection by prospective purchasers and others?  
Ans. Yes.
12. Whether signs are now posted conspicuously on each parcel of tax title property, stating that the same is city property and for sale?  
Ans. Some have signs.  
Placed on file.

SEGREGATED BUDGET FOR 1939.

The following was received:

City of Boston,  
Office of the Mayor, March 27, 1939.

To the City Council.  
Gentlemen,—I submit herewith in segregated form my budget recommendations for city, county and revenue departments for the fiscal year 1939. These recommendations are in substitution for the lump sum allowances submitted to you under date of January 30, 1939. The allowances in this budget represent, in my opinion, the lowest appropriations possible without seriously crippling the services rendered by the city, and without reducing salaries of city and county employees. It had been my intention to submit a budget at the very outset of the calendar year but my insistence upon exercise of a highest scrutiny and severe economy has resulted in this presentation. In the interval which has elapsed since the first of the year I had instructed all department heads under my jurisdiction to curtail expenditures to those of an absolute necessity and in consequence of more time for analysis of departmental requests. I am able to submit a budget substantially lower than would have been the case were it submitted at the first of the year. In the event that your Honorable Body feels after deliberation that parings in these allowances could be made without jeopardy to the services or the functions of the municipal government, I sincerely hope that you will not hesitate to reduce these estimates.

CITY DEPARTMENTS.

	1938. Appropriations.	1939. Allowances.	Decrease.
A. Personal Service.....	\$20,011,951 56	\$19,932,519 16	\$79,432 40
B. Contractual Services.....	3,338,730 10	3,175,986 33	162,743 77
C. Equipment.....	633,808 76	484,998 50	148,810 26
D. Supplies.....	2,240,604 90	2,107,341 90	133,263 00
E. Materials.....	319,883 64	244,750 00	75,133 64
F. Special Items.....	11,300,738 64	10,304,364 23	996,374 41
G. Incidentals.....	30,097 50	33,920 00	*3,822 50
H. Relief Projects.....	1,540,168 30	1,307,400 00	232,768 30
Special Appropriations †.....	1,002,129 47	969,325 00	32,804 47
	\$40,418,112 87	\$38,560,605 12	\$1,857,507 75

\* Increase.

† Special Appropriations include: Bridges, Repairs, etc., \$40,000; Contingent Fund, \$295,500; Conventions and Entertainment of Distinguished Guests, \$24,425; Public Celebrations, \$39,400; Real Estate Division, Repairs, etc., \$20,000; Reconstruction of Streets, \$25,000; Reserve Fund, \$125,000; Snow Removal, \$400,000.

The allowances recommended for city departments total \$38,560,605.12. This total represents a reduction of \$5,330,747.54 over estimates as originally submitted by department officials last November and is actually \$1,130,449.58 below the total expenditures for the year 1938.

#### Personal Service.

From records at the office of the Budget Commissioner it is to be noted that the allowance for Personal Service is the lowest appropriation on a full year salary basis for city departments since 1928.

#### Contractual Services.

The allowance for Contractual Services is the lowest appropriation since 1922.

#### Equipment.

The allowances for Equipment is the lowest since the establishment of the segregated budget some twenty-two years ago.

#### Supplies.

The allowance for Supplies is the smallest appropriation since 1928, with the exception of 1933 and 1934, during which two years the market prices of items included in this category were substantially lower than the level which obtains today.

#### Materials.

The allowance for Materials, \$244,750, is the lowest amount recommended for city departments in the last twenty-odd years.

#### Special Items.

The allowance for Special Items, which consists primarily of the city appropriations for aid to dependent children, dependent aid and old age assistance, is \$10,304,364.23. I am informed by the Director of Public Welfare that demands for assistance made on his department are in the increase and I am fearful lest the threatened curtailment of the W. P. A. work relief program will aggravate the situation. It is not intended that your Honorable Body interpret the allowance for Special Items (welfare assistance) as an

estimate of the requirements for relief assistance for the full year. What they will be is highly conjectural. All we know is that the unfortunate victims of economic conditions must be provided for until they are able to provide for themselves. The figure submitted in this schedule is practically the same as that submitted in the budget of last year. It is to be ardently wished that an improvement in conditions of employment or additional cooperation from Federal and State governments may render it possible that no further sums will be needed for this item.

#### Relief Projects.

The allowance for Relief Projects for the purpose of defraying Boston's share of W. P. A. projects is \$22,231.70 greater than the amount originally provided in the 1938 budget. Unexpended loan balances carried forward from 1937 to 1938 amounted to \$118,122 as compared with a current carry over of relief projects balances of \$161,954. With this carry over and the increase in actual appropriations, departments will have available \$66,000 in excess of last year's appropriation for W. P. A. projects. Final requirements for this item are conditioned upon Congressional action. In the event that additional funds are necessary to continue W. P. A. work relief program, existing law provides that they be made available by borrowing.

#### Special Appropriations.

The sum total of the various allowances under this group reflect a net decrease of \$32,804.47 over 1938 appropriations. This reduction is made notwithstanding the increased appropriation necessary for snow removal. In 1938 it cost the City of Boston \$279,001.22 to perform this very necessary function, and in the first three months of the current year the cost of snow removal has already reached the \$400,000 figure.

The allowances for the Contingent Fund and the Reserve Fund are the same as in prior years.

An allowance of \$25,000 has been recommended in this year's budget for Reconstruction of Streets, under chapter 90 of the General Laws, as compared with last year's appropriation of \$50,000.

#### COUNTY DEPARTMENTS.

	1938 Appropriations.	1939 Allowances.	Increase.
A. Personal Service.....	\$2,511,801 40	\$2,590,456 53	\$78,655 13
B. Contractual Services.....	601,249 05	610,282 50	9,033 45
C. Equipment.....	55,203 34	83,281 00	28,077 66
D. Supplies.....	285,784 04	286,230 00	445 96
E. Materials.....	25,033 11	27,730 00	2,696 89
F. Special Items.....	82,794 38	53,760 10	* 29,034 28
H. Relief Projects.....	21,395 00	26,500 00	5,105 00
Special Appropriations †.....	1,000 00	49,000 00	48,000 00
	\$3,584,260 32	\$3,727,240 13	\$142,979 81

\* Decrease.

† Special Appropriations include: Social Law Library, \$1,000; Supplementary Maintenance of Young's Hotel, \$8,000; Temporary Courthouse Accommodations, Rental of, \$40,000.

Allowances for county maintenance show an increase of \$142,979.81 over appropriations for 1938. The above table indicates in comparative form the group distribution of this increase.

#### Personal Service.

The increase in the Personal Service is due primarily to the increased personnel for the operation of the new Suffolk County Courthouse, which has recently been opened for public service.

#### Contractual Services.

Of the increase of \$9,033.45 in Contractual Services, \$7,200 may be attributed to the cost of moving the Suffolk County departments to their new quarters.

#### Equipment.

The increase of \$28,077.66 in the Equipment item is for the installation of rugs, American flags, electric fans, desks, fireproof containers for official documents, and similar equipment installed in connection with the opening of the new courthouse. There is reason to believe that if the appropriation of the Courthouse Commission had been sufficient to provide the \$7,200 for the cost of moving in relocating offices and for the installation of this new equipment, it would have been a proper charge to their funds. In view of the depleted condition of their funds and my desire that there be no further delay in the use of this building, I am recommending that the city go forward in the matter of completing financial arrangements

and with a bill in the Legislature for the Commonwealth to reimburse the City of Boston in the proportion provided by law.

**Special Items.**

The decrease in the Special Items of \$29,034.28 is due completely to repeal of the law, by the last Legislature, for the Penal Institutions Department to provide separate support to the dependents of inmates to that institution during the term of their sentence.

**Special Appropriations.**

Of the increase of \$48,000 in Special Appropriations, \$8,000 represents the cost of personnel to maintain the Municipal Court in its present location until the sheriff is able to provide quarters

acceptable to it in the courthouse on Beacon Hill. The remaining \$40,000 represents the rent chargeable by the City of Boston to the County of Suffolk for use and occupancy of the so-called Young's Hotel by the Municipal Court of the City of Boston for the first eight months of 1939, at which time it is believed the Municipal Court will move into quarters in the new courthouse.

Section 6 of chapter 474 of the Acts of 1935 provides that the City of Boston and the Commonwealth of Massachusetts shall share the cost of operation and maintenance of the Suffolk County Courthouse, taken as a whole, on the ratio of 70 per cent and 30 per cent, respectively, and payments to the City Treasurer, under the provisions of this same chapter, should result in a cost to the taxpayers of Boston of less than the cost of operating prior to the new construction.

**REVENUE DEPARTMENTS.**

	1938 Appropriations.	1939 Allowances.	Decrease.
A. Personal Service.....	\$1,298,065 86	\$1,268,773 80	\$29,292 06
B. Contractual Services.....	244,888 24	229,071 00	15,817 24
C. Equipment.....	52,541 38	43,547 90	8,993 48
D. Supplies.....	43,103 59	39,630 90	3,472 69
E. Materials.....	198,600 62	180,245 00	18,355 62
F. Special Items.....	20,222 33	15,253 99	4,968 34
H. Relief Projects.....	64,517 50	62,000 00	2,517 50
Special Appropriations *.....	118,200 00	109,000 00	9,200 00
	\$2,040,139 52	\$1,947,522 59	\$92,616 93

\* Special Appropriation: Departmental Stationery and Postage, \$109,000.

Although the Revenue Departments of the city are self-sustaining and are not provided for from tax collections, but from fees charged for the services they render, for your information there is given above a table in comparative form showing the group distribution.

**TAX RATE FOR BOSTON.**

In view of the various bills pending in the Legislature having a direct bearing on municipal finances, it is practically impossible to forecast a tax rate for Boston with any degree of accuracy. Comforting it is, however, to note that I have continued to conduct the city's affairs economically and that whatever increase in the tax rate for Boston that may come can be attributed to financial policies completely and exclusively beyond the control of the Mayor of Boston.

Under the provisions of chapter 320 of the Acts of 1889, departments are authorized to expend, prior to the adoption of the budget, one third of the previous year's appropriation. In view of the fact that the period of grace allowed by statute is coming to an end, I recommend prompt consideration and adoption of the accompanying orders and recommendations by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

**Appropriations and Tax Orders for the Financial Year 1939.**

Ordered, That to meet the current expenses payable during the financial year beginning with the first day of January, 1939, for performing the duties and exercising the powers devolved by statute or ordinance, or by vote of the City Council during the year, upon the City of Boston or County of Suffolk, or the departments or officers thereof, the respective sums of money specified in the tables and schedules hereinafter set out he, and the same are, hereby appropriated for the several departments and for the objects and purposes hereinafter stated.

Ordered, That the appropriation for Water Service, current expenses, and the payment to the State, under the provisions of chapter 483 of the Acts of 1895 and acts in addition or amendment thereto, and for the interest and debt requirements or for loans issued for water purposes he met by the income of said works and any excess over

income from taxes; that the appropriation for Printing Department he met by the department income and any excess over income from taxes; and the appropriation for the *City Record* be met by the income of said publication and any excess over income from taxes; and the appropriation for the Traffic Tunnel he met by the income from tolls and any excess over income from taxes, in accordance with the provisions of section 11, chapter 297, of the Acts of 1920, as amended by chapter 74 of the Acts of 1935; that the other appropriations hereinafter specified he met out of the money remaining in the treasury at the close of business on December 31, 1938, exclusive of the money raised by loan or needed to carry out the requirements of any statute, gift, trust or special appropriation by the income of the financial year beginning January 1, 1939, and by taxes on the polls and estates in the City of Boston.

Ordered, That all sums of money which form no part of the income of the city, but shall be paid for services rendered or work done by any department or division for any other department or division, or for any person or corporation other than the City of Boston be paid into the general treasury, and that all contributions made to any appropriation he expended for the objects and purposes directed by the several contributors thereof.

Ordered, That all taxes raised to meet the appropriations of the city and all taxes assessed for meeting the city's proportion of the State tax for the year 1939, or for any other taxes or assessments payable to the Commonwealth shall be payable in two equal installments, on July first and on October first of 1939; that interest shall be charged on all taxes remaining unpaid after the first day of November, 1939, in accordance with the provisions of chapter 59, section 57, of the General Laws, as amended, until paid, except the taxes assessed upon shares of national banks, which shall bear interest at the rate of 12 per cent per annum from the first day of October, 1939, until paid, and that all interest which shall have become due on taxes shall be added to and be part of such taxes.

Ordered, That except as the appropriation for any purpose or item shall be increased by additional appropriations or transfers lawfully made, no money shall be expended by any department for any of the purposes or items designated in the tables and schedules hereinafter set out in excess of the amount set down as appropriated for such specific purpose or item.

DEPARTMENTAL ALLOWANCES RECOMMENDED BY MAYOR FOR 1939 WITH COMPARATIVE STATEMENT OF 1939 ALLOWANCES WITH CURRENT ESTIMATES AND PRIOR EXPENDITURES.

## CITY DEPARTMENTS.

DEPARTMENT.	1938 Appropriations.	1939 Department Estimates.	1939 Allowances.
Art.....	\$410 00	\$1,000 00	\$410 00
Assessing.....	297,154 06	330,302 12	300,752 35
Auditing.....	83,997 86	88,848 97	89,229 58
Boston Port Authority*.....	39,006 98	71,201 00	64,993 92
Boston Retirement Board.....	32,997 49	33,279 26	32,769 71
Boston Traffic Commission.....	158,325 77	199,899 41	146,755 83
Budget.....	12,382 77	16,870 00	16,870 00
Building.....	192,922 92	234,345 01	184,763 37
Board of Appeal.....	10,324 78	14,914 17	12,479 40
Board of Examiners.....	4,371 63	5,427 66	4,436 00
City Clerk.....	46,321 22	47,302 56	45,444 06
City Council.....	85,133 54	85,965 00	86,065 00
City Council Proceedings.....	11,250 00	11,250 00	10,750 00
City Documents.....	20,000 00	20,000 00	18,000 00
City Planning Board.....	18,222 49	28,655 84	20,875 00
Collecting.....	164,111 53	219,173 95	170,405 28
Election.....	244,928 79	209,686 26	194,263 89
Finance Commission.....	50,000 00	50,000 00	50,000 00
Fire.....	4,024,152 65	4,228,456 27	4,057,971 75
Wire Division.....	93,154 63	96,533 25	86,803 99
Health.....	945,267 80	936,819 82	908,929 36
Hospital.....	3,351,818 00	3,473,200 35	3,247,284 61
Sanatorium Division.....	654,598 42	729,951 42	639,964 60
Institutions:			
Central Office.....	46,204 13	47,967 56	44,231 88
Child Welfare.....	351,558 33	369,981 66	350,258 27
Long Island Hospital.....	803,871 92	1,000,775 85	761,088 16
Steamers "Hibbard" and "O'Meara".....	59,370 88	72,343 35	54,175 71
Law.....	157,527 20	167,276 55	162,798 41
Library.....	1,320,471 30	1,490,427 64	1,274,278 52
Licensing Board.....	49,966 87	56,765 00	52,646 83
Market.....	15,547 45	16,259 00	15,385 75
Mayor, Office Expenses.....	77,886 04	75,528 00	75,528 00
Park.....	1,325,255 24	1,452,458 90	1,173,277 22
Cemetery Division.....	69,805 55	152,587 00	49,258 00
Police.....	6,022,881 48	6,278,338 65	5,897,361 76
Public Buildings.....	588,627 86	643,517 30	502,962 65
Public Welfare:			
Central Office.....	10,971,318 73	11,942,907 34	9,934,229 36
Temporary Home.....	10,455 76	10,680 00	10,350 00
Wayfarers' Lodge.....	14,499 20	14,890 00	14,115 00

\* Increased appropriation for the Boston Port Authority is made possible by the passage of chapter 453 of the Acts of 1938, enacted to broaden the program of this department and providing the Commonwealth shall reimburse the City of Boston for 50 per cent of the total appropriation. Although the activity of this body will be considerably broadened the net cost to the City of Boston, \$32,500, will be \$6,010.02 less than in 1938.

DEPARTMENT.	1938 Appropriations.	1939 Department Estimates.	1939 Allowances.
<b>Public Works:</b>			
Central Office.....	\$34,347 57	\$34,900 74	\$33,736 43
Bridge Service.....	428,259 67	462,327 62	429,812 50
Ferry Service.....	272,188 69	245,381 23	229,620 00
Lighting Service.....	965,000 00	957,183 00	945,408. 00
Paving Service.....	1,498,787 82	1,465,038 60	1,225,670 30
Sanitary Service.....	2,125,269 96	2,192,910 97	2,076,557 48
Sewer Service.....	514,253 00	961,423 94	781,203 82
Registry.....	66,794 08	71,467 84	62,822 84
Sinking Funds.....	2,684 12	2,750 00	2,725 00
Soldiers' Relief.....	719,664 28	748,824 17	677,426 63
Statistics.....	8,900 13	8,651 17	8,604 25
Street Laying-Out.....	166,934 65	170,592 64	165,393 87
Supply.....	65,613 01	78,091 16	69,672 87
Treasury.....	73,883 35	76,949 97	74,238 92
Weights and Measures.....	47,301 80	51,697 49	46,223 99
<b>Special Appropriations:</b>			
Bridges, Repairs, etc.....	63,700 00	70,000 00	40,000 00
Granolithic Sidewalks.....	—	—	—
Contingent Fund.....	295,500 00	300,000 00	295,500 00
Conventions and Entertainment of Distinguished Guests.....	9,850 00	27,025 00	24,425 00
Public Celebrations.....	39,400 00	42,023 00	39,400 00
Real Estate Division, Repairs, etc.....	24,625 00	37,328 00	20,000 00
Reconstruction of Streets.....	50,000 00	50,000 00	25,000 00
Reserve Fund.....	125,000 00	125,000 00	125,000 00
Sewerage Works.....	159,054 47	—	—
Snow Removal.....	235,00 00	400,000 00	400,000 00
Repairs to West End Branch Library.....	—	55,00 00	—
Reconstruction of Central Library Roof.....	—	256,000 00	—
Registration of Voters.....	—	75,000 00	—
Hurricane Expenses.....	—	—	—
Special Statutes, Publication of.....	—	—	—
	\$40,418,112 87	\$43,891,352 66	\$38,560,605 12

## COUNTY DEPARTMENTS.

DEPARTMENT.	1938 Appropriations.	1939 Department Estimates.	1939 Allowances.
Suffolk County Courthouse, Custodian.....	\$264,307 16	\$600,600 48	\$413,865 68
County Buildings.....	99,136 26	105,650 00	93,882 00
Jail.....	248,265 62	275,588 59	244,232 33
Supreme Judicial Court.....	61,968 33	61,598 88	59,294 55
Superior Court, Civil Session, General Expenses...	424,400 60	476,955 57	422,698 34
Superior Court, Civil Session, Clerk's Office.....	182,983 97	188,530 01	182,015 01

DEPARTMENT.	1938 Appropriations.	1939 Department Estimates.	1939 Allowances.
Superior Court, Criminal Session.....	\$488,553 91	\$491,471 04	\$488,255 03
Probate Court.....	29,722 50	34,233 90	28,848 90
Municipal Court, City of Boston.....	496,926 42	509,186 42	503,567 69
Municipal Court, Charlestown District.....	32,712 30	34,795 03	33,286 53
East Boston District Court.....	31,972 38	32,150 48	31,082 37
Municipal Court, South Boston District.....	34,279 38	36,403 28	34,642 68
Municipal Court, Dorchester District.....	45,778 16	50,069 16	45,140 16
Municipal Court, Roxbury District.....	110,147 38	123,123 55	115,433 05
Municipal Court, West Roxbury District.....	44,104 15	46,175 81	45,599 46
Municipal Court, Brighton District.....	21,913 00	25,116 81	22,161 31
Boston Juvenile Court.....	29,465 63	29,936 55	29,661 55
District Court of Chelsea.....	38,511 59	42,745 22	40,510 19
Registry of Deeds.....	189,578 39	202,156 98	191,951 98
Index Commissioners.....	25,844 24	25,755 90	25,598 20
Insanity Cases.....	38,120 00	39,120 00	39,120 00
Land Court.....	—	—	—
Medical Examiner Service, Northern Division.....	24,966 56	25,746 66	25,221 66
Medical Examiner Service, Southern Division.....	16,545 00	17,871 37	16,311 37
Associate Medical Examiner Service, Northern Division.	1,790 00	2,220 00	2,040 00
Associate Medical Examiner Service, Southern Division.	1,760 00	1,980 00	1,895 00
Miscellaneous Expenses:			
Auditing.....	17,526 08	15,661 00	15,191 71
Budget.....	3,832 90	4,844 48	4,844 48
Collecting.....	1,379 00	1,400 00	800 00
Sheriff.....	4,632 12	8,183 33	4,675 00
Treasury.....	6,141 47	6,234 00	5,934 00
Granite Avenue Bridge.....	3,046 70	4,136 70	2,981 70
Penal Institutions Department:			
Office Expenses.....	37,897 38	40,774 81	37,242 54
House of Correction.....	467,979 91	499,343 55	418,655 48
Steamer "Michael J. Perkins".....	57,071 83	70,935 28	51,600 18
Apportionment Commission.....	—	—	—
Social Law Library.....	1,000 00	1,000 00	1,000 00
Supplementary Maintenance of Young's Hotel.....	—	8,000 00	8,000 00
Temporary Courthouse Accommodations, Rental of,	—	40,000 00	40,000 00
Totals.....	\$3,584,260 32	\$4,179,684 84	\$3,727,240 13

## REVENUE DEPARTMENTS.

DEPARTMENT.	1938 Appropriations.	1939 Department Estimates.	1939 Allowances.
Printing Department.....	\$347,053 45	\$356,282 45	\$339,466 74
Departmental Stationery and Postage.....	118,200 00	118,000 00	109,000 00



DEPARTMENT.	1938 Appropriations.	1939 Department Estimates.	1939 Allowances.
City Record, Publication of.....	\$30,033 15	\$38,430 50	\$38,390 50
Public Works:			
Water Service.....	1,215,619 45	1,205,749 96	1,126,047 74
Traffic Tunnel.....	222,257 16	240,946 52	224,883 52
Collecting, Water Division.....	106,976 31	109,668 76	109,620 76
Auditing, Water Division.....	—	113 33	113 33
Totals.....	\$2,040,139 52	\$2,069 191 52	\$1,947,522 59

RECAPITULATION.

DEPARTMENT.	1938 Appropriations.	1939 Department Estimates.	1939 Allowances.
City Departments.....	\$40,418,112 87	\$43,891,352 66	\$38,560,605 12
County Departments.....	3,584,260 32	4,179,684 84	3,727,240 13
Totals.....	\$44,002,373 19	\$48,071,037 50	\$42,287,845 25
Revenue Departments.....	2,040,139 32	2,069,191 52	1,947,522 59
Grand Totals.....	\$46,042,512 71	\$50,140,229 02	\$44,235,367 84

Referred to Committee on Appropriations.

USE OF WATER DIVISION BALANCE TOWARD DEBT REQUIREMENTS.

The following was received:

City of Boston,  
Office of the Mayor, March 20, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the attached recommendation from the City Auditor relative to the disposition of the balance remaining in water income at the close of 1938. I feel it desirable to point out that this excess revenue developed largely as the result of an intensive campaign directed toward the collection of water rates assessed in years prior to 1938. Because of this fact it is not safe to assume that the record achieved in 1938 will be maintained in subsequent years.

I submit herewith an order authorizing the City Auditor to use \$542,980.95 of the Water Division balance to meet city debt requirements of the current year. I earnestly recommend adoption of this order because the proposed use will lower the amount to be raised in the tax levy for debt purposes and thus afford the taxpayers of the city a saving equivalent to 35 cents on the tax rate. In view of the overall increase in the rate which the city must face because of higher state expenditures this reduction, small though it may be, is most welcome and is indicative of the fact that every possible saving within the control of the city government will be utilized for the relief of the owners of real estate.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Auditing Department, March 17, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—In 1938 the receipts of the Water Division of the Public Works Department exceeded expenditures by \$654,998.45. Under the provisions of chapter 324 of the Acts of 1914 any balance remaining in water income "shall be used to meet interest and sinking fund requirements or serial loan payments on any debt of the City of Boston." During 1939 interest requirements and payments on serial debt issued for water purposes will total

\$112,017.50. I propose to utilize the funds available within the 1938 water income balance to meet the foregoing debt requirements and then apply the balance against the regular debt requirements for the current year.

I respectfully recommend that authority to cover this proposed action be secured from the City Council.

Respectfully,  
CHARLES J. FOX, City Auditor.

Ordered, That under the provisions of section 1 of chapter 324 of the Acts of 1914, the City Auditor be authorized to use \$542,980.95 of the balance in water income to meet interest and sinking fund requirements or serial loan payments on any debt of the City of Boston.

Referred to Executive Committee.

CHANGES IN COMPENSATION AND CLASSIFICATION PLANS.

The following were received:

City of Boston,  
Office of the Mayor, March 27, 1939.  
To the City Council.

Gentlemen,—I transmit herewith for consideration by your Honorable Body the attached proposal by the Budget Commissioner of certain changes in the "Compensation and Classification Plans for the Officers and Employees of Suffolk County."

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Budget Department, March 27, 1939.  
To the Mayor and the City Council.

Honorable dear Sirs,—Rule 3, "Classification of New Positions" of the "Compensation and Classification Plans for the Officers and Employees of Suffolk County," provides that, "Whenever a new position is established or the duties of a position are so changed that, in effect, the whole position, as described in the class specifications for the class to which it was originally allocated

no longer exists, but, in its place, there is created a new position of a different class, the appointing authority shall forthwith report this fact to the Budget Commissioner with a full statement of the circumstances and a description of the duties as changed."

In accordance with the provisions of this rule the Sheriff of Suffolk County has requested that the position of Chief Elevator Operator be established at the Suffolk County Court House. After investigation of the actual and proposed duties and responsibilities of this new position, I propose and recommend the establishment of the following new classification:

Title of Class:

Chief Elevator Operator.

Duties:

Under general supervision, to supervise, direct and assign the work of elevator operators in the Suffolk County Court House; to see that adequate elevator service is maintained at all times; to give information and answer all inquiries relative to the courts and county departments located in said building; and to perform other related work as required.

Rate of Compensation:

Annual, \$1,900.

Respectfully,

FRANCIS X. LANG,  
Budget Commissioner.

Ordered, That the "Compensation and Classification Plans for the Officers and Employees of Suffolk County," as adopted by the City Council on April 13, 1931, and approved by the Mayor on April 15, 1931, be, and the same hereby are, amended to include the following new position:

Title of Class:

Chief Elevator Operator.

Duties:

Under general supervision, to supervise, direct and assign the work of elevator operators in the Suffolk County Court House; to see that adequate elevator service is maintained at all times; to give information and answer all inquiries relative to the courts and county departments located in said building; and to perform other related work as required.

Rate of Compensation:

Annual, \$1,900.

City of Boston,  
Office of the Mayor, March 27, 1939.

To the City Council.

Gentlemen,—I transmit herewith for consideration by your Honorable Body the attached proposal by the Budget Commissioner of certain changes in the "Compensation and Classification Plans for the Officers and Employees of Suffolk County."

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,  
Budget Department, March 27, 1939.

To the Mayor and the City Council.

Honorable dear Sirs,—Rule 4, "Amendment of the Classification Plan" for the "Officers and Employees of Suffolk County," provides that, "The Budget Commissioner shall, as he considers necessary, from time to time, propose amendments to the classification plan, together with the reasons therefor."

In accordance with the provisions of this rule I propose that the classification "Coat Room Attendant" be amended by inserting under the caption "Duties," and after the words "Registry of Deeds coat room," the words, "and in the main coat room of the Suffolk County Court House," so as to read as follows:

Duties:

Under immediate supervision, to be responsible for the care and custody of wearing apparel and other property checked at the Registry of Deeds coat room and in the main coat room of the Suffolk County Court House; to give information concerning the location of records, indexes and plans; and to perform other related work as required.

This change is made necessary because of the fact that the new Court House building contains a coat room for the use of lawyers and those persons having business in the Court House who wish to check wearing apparel and other property. As no such accommodation was available in the

old building, it is necessary to make the above change in order to provide for an attendant in this new department.

Respectfully,

FRANCIS X. LANG,  
Budget Commissioner.

Ordered, That the "Compensation and Classification Plans for the Officers and Employees of Suffolk County," as adopted by the City Council on April 13, 1931, and approved by the Mayor on April 15, 1931, be, and the same hereby are, amended by inserting under the caption "Duties," and after the words "Registry of Deeds coat room," the words "and in the main coat room of the Suffolk County Court House," so that the same shall read as follows:

Title of Class:

Coat Room Attendant.

Duties:

Under immediate supervision, to be responsible for the care and custody of wearing apparel and other property checked at the Registry of Deeds coat room and in the main coat room of the Suffolk County Court House; to give information concerning the location of records, indexes and plans; and to perform other related work as required.

Range of Compensation:

Annual, \$1,100 — \$1,100 — \$1,200 — \$1,300.

Severally referred to Committee on County Accounts.

#### SALE OF PIGS AT DEER ISLAND.

The following was received:

City of Boston,  
Office of the Mayor, March 27, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the inclosed communication from the Commissioner of Penal Institutions requesting permission to sell 100 pigs now located at the House of Correction, Deer Island. These pigs weigh approximately 22,500 pounds and in the opinion of the commissioner it would be for the best interests of the city to dispose of them at this time.

As the pigs are no longer required at Deer Island the commissioner's request has my approval and I respectfully recommend adoption of the accompanying order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,  
Penal Institutions Department,  
March 27, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—We have at the present time at the House of Correction, Deer Island, one hundred (100) pigs ready for market. These pigs will weigh approximately two hundred twenty-five (225) pounds each, a total of approximately 22,500 pounds.

At the present market price this department should receive between \$2,000 and \$2,500 from the sale of these pigs. In my opinion the private sale, after bids, of these pigs at the present time would be for the best interests of the city, and your approval of this sale, together with that of the City Council, is hereby requested.

Respectfully,

JOHN J. DOUGLASS,  
Penal Institutions Commissioner.

Ordered, That the Penal Institutions Commissioner be authorized to sell at public or private sale, to the highest bidder, the surplus stock of pigs at the House of Correction, Deer Island, amounting to approximately 22,500 pounds.

Referred to Executive Committee.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz:

Claims.

Avery & Clinkard Company, Inc., for compensation for damage to truck by city truck.

Building Management, Inc., for compensation for damage to property at 793 Tremont street, caused by defective sewer system.

Constance Caliri, for compensation for injuries caused by an alleged defect at 79 Tremont street. Continental Baking Company, for compensation for damage to truck by fire truck.

Michael Driscoll, for compensation for injuries caused by an alleged defect at 17 Roseclair street. Fairmount Laundry, for compensation for damage to property at 8 Euclid street, caused by water entering property.

Charles V. Gallagher, to be paid for overtime in East Boston High School.

David Kasok, for compensation for damage to property at 157-161 Cambridge street, caused by negligent sewer service.

Esther Kelman, for compensation for damage to car by city truck.

Mary C. Kett, for compensation for damage to car by city truck.

Mary C. Murray, for compensation for injuries caused by an alleged defect at Boylston and Amory streets.

Joseph Odell, for compensation for loss of clothing from Hyde Park Municipal Building.

John J. O'Hern, for reimbursement for execution issued against him.

Ethel G. Princiotta, for compensation for damage to car by city truck.

Anne P. Redmond, for compensation for damage to car by city truck.

Gertrude M. Walsh, for compensation for injuries caused by an alleged defect at Geneva avenue and Bowdoin street.

Frederick O. Watt, for compensation for damage to car by snowplow.

D. S. Woodberry Company, for compensation for damage to truck by city truck.

John S. Carroll, for reimbursement for execution issued against him.

Edward C. Merchant, to be reimbursed for execution issued against him.

Lawrence P. O'Keefe, for payment for extra wages as employee of Institutions Department.

#### Executive.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

Lilla Viles Wyman, Jordan Hall, May 19.

Senia Russaroff, Jordan Hall, April 25.

Petition of National League Baseball Club of Boston, Inc., for license for Sunday sports at Braves Field.

#### Committee on Ordinances.

Petition of Jennie Gavegnano, for driveway opening at 327-331 Bennington street.

#### BOND OF BOSTON AMERICAN LEAGUE BASEBALL COMPANY.

There was submitted public liability policy issued to Boston American League Baseball Company by Indemnity Insurance Company of North America. Bond approved.

#### TRANSFER OF HOUSE OF CORRECTION TO STATE.

The following was received:

City of Boston,

Finance Commission, March 21, 1939.

Hon. Leverett Saltonstall,

Governor of Massachusetts.

Your Excellency,—The Finance Commission of the City of Boston is empowered by the statute which directed its creation to make report from time to time as occasions warrant to the Governor, or to the Legislature, as well as to the Mayor of Boston, or to the City Council of Boston, on matters of appropriations, expenditures, methods of administration, etc., affecting the City of Boston or the County of Suffolk. Under this authorization the Finance Commission desires to bring to the attention of your Excellency and to the Legislature a situation that is of substantial importance to the city. It has also somewhat direct bearing upon present affairs of the state.

In many ways the taxpayers of Boston individually are required to pay proportionately a much larger share of the expense of government than do the taxpayers of other communities. Sometimes this is due to statutory requirements which have accumulated during the existence of the Commonwealth. Sometimes it is due to

nothing more than practices adopted by public authorities. In other instances it is due to an excess of zeal on the part of local government which led to the establishment of services under permissive or mandatory authority and which eventually led to development or expansion of those services to a degree not yet found advisable or necessary by other municipalities or counties.

As your Excellency doubtless knows, with respect to the payment of the expenditures for government services in Suffolk County, the City of Boston is to all intents and purposes the County of Suffolk.

The Mayor and the City Council of Boston are in effect the County Commissioners. They must provide from the financial resources of the City of Boston for the maintenance of the county government, courts, institutions, etc. As in the conduct of municipal affairs the public administrators of the City of Boston have in past generations elaborated in provision of public service, so likewise have they in their capacity as, in effect, County Commissioners of Suffolk County elaborated in provision of county service.

To meet the expenditures necessary for maintenance of county government, the city is not even aided by all the revenue received by the county offices. For instance, the district court located in Chelsea to which legal matters—civil and criminal—which arise in the municipalities of Chelsea and Revere are brought for adjudication divides the revenue received by this court between the municipalities of Chelsea and Revere.

The revenue obtained from a case having its origin in Chelsea goes to the city of Chelsea. The revenue obtained from a case having its origin in Revere goes to the city of Revere. Yet the City of Boston in its capacity as the County Commissioner must pay for the maintenance of the courts.

Cases originating in Winthrop are handled by the East Boston Court. The fines received by the court in cases originating in Winthrop are turned over to the town of Winthrop. The entire expenses of this court also are paid from the treasury of the City of Boston.

Likewise, the City of Boston exclusively must pay for the care and custody of the prisoners committed by the Chelsea Court and by the East Boston Court to the Charles Street Jail and to the House of Correction at Deer Island.

A more striking illustration of the burdensome requirement that Boston must pay the expenses of cases originating in these other municipalities was furnished recently by a decision of the Supreme Court. The Court ruled that the expenses of the Attorney-General of the Commonwealth in the investigation of municipal conditions in the city of Revere, which resulted from a gangster murder in Revere, must be paid by the treasurer of the City of Boston.

History of the Deer Island House of Correction.

The imposition of the expense of maintenance of a county house of correction on the City of Boston, which first occurred in the early days of the city, is an instance of the prodigality of the public administrators at Boston expense. Originally, in colonial times, Boston had its own "work-house" for the incarceration of persons unable to care for themselves as well as for violators of the peace. In 1788 the General Court required every county to maintain a house of correction. That statute or any of several subsequently passed in relation to the county house of correction did not require that each must be large enough to accommodate all commitments of the particular county's courts. No county except Suffolk even attempted to supply accommodation to that extent.

The house of correction required by the 1788 act was intended for the commitment of persons for a great variety of causes. Though in some instances the offences listed in the act for which persons might be sent to this house of correction would be analogous to offences for which twentieth century practice is to punish with state prison sentence, they might be characterized for the most part as light offences—common brawlers, drunkards, vagabonds, idlers, professional beggars, fakirs, sneak thieves, nightwalkers, etc.

In 1824 the existing house of correction, the successor to the earlier "work-house" provided by Boston, became by statute the House of Correction for the County of Suffolk. By the terms of this statute the City of Boston must bear and defray all the expenses of the House of Correction of the County. This relieved Chelsea, Revere and Winthrop of any expense for the care and

custody of persons committed by court to the county institutions for offences committed within their borders.

During a large portion of the nineteenth century the City of Boston maintained two institutions, each known as a house of correction. One was at South Boston, another at Deer Island. In addition, the city maintained a reformatory for juvenile offenders at Rainsford Island; also, for a considerable period, another correctional school at West Roxbury, known as a parental school.

The number of these correctional institutions, as well as the variety, is evidence that Boston certainly did its share in meeting the need and cost of ample prison accommodations. No other county in the state ever matched that liberality.

No Contribution from Other Municipalities to Deer Island Expense.

Whatever Chelsea, Revere and Winthrop may have contributed to the cost of construction of an original county house of correction and of maintenance of a county house of correction until 1824, these municipalities have not, since 1824, contributed anything toward either construction or maintenance expenses of any county house of correction. Boston has done it for them.

In the early days of the Commonwealth all of the county institutions were "reformatories." Persons found guilty of serious offences, and particularly those known as hardened criminals, were sent to state institutions.

When authority was given by legislation in 1896 and in 1899 to merge the two existing Boston houses of correction in one institution to be located at Deer Island and to be known as "The House of Correction at Deer Island for Suffolk County," it was provided that the additional cost would be a City of Boston expense. Previous expenditure on the institution located there had likewise been a City of Boston expense.

There can be no argument, therefore, that Chelsea, Revere and Winthrop have any interest in the House of Correction at Deer Island because of investment of Chelsea, Revere or Winthrop funds. Nor can there be any doubt that Boston is paying from its own funds the expense for county correctional institutions that should be properly Chelsea's, Revere's and Winthrop's.

Change in Type of Prisoners Sent to Deer Island.

The Deer Island institution was not intended for the hardened criminal type. In the major period of its existence it had not been the practice of the courts to send the hardened criminal class there. It is true that it always received many recidivists or repeaters; but the recidivists that came there were of the type who indulged in the lesser violations of statutes or ordinances, rather than the burglars, the murderers, the rapacious, etc.

The institution was built for the type it was intended to reform or to restrain—the lesser offenders. It was not laid out or developed to contain and to keep occupied prisoners who are sent away for long terms, or prisoners whose every movement must be supervised and who must be kept always under heavy guard. In other words, the Deer Island House of Correction was intended only as a reformatory and was built and developed to be a reformatory.

In recent years it has become entirely "a prison." The inmates there are under lock and key most of the time. Meanwhile, the city administrators have been unwilling to spend the money that would be necessary to transform the House of Correction into a modern institution for the custody of hardened criminals. It would take too much money from the Boston taxpayers to pay for such a change. As a result there is but limited provision for the kind of industry that is feasible for long-termers, and the means of keeping them in quiet restraint are inadequate.

Many believe that the municipal administrators acted properly when they withheld authorization for the expenditure that would have been necessary to meet adequately the new conditions. It does not appear, however, that any of Boston's administrators made any effort to resist the march of progress in the wrong direction of the House of Correction as a correctional institution.

The number of commitments to Deer Island of persons found guilty of serious crime has steadily increased. The criminals themselves make every effort to be sent there. They want to be near the city in a place where friends and relatives can make frequent visits. While it cannot be said that Deer Island never had any confirmed criminals,

still the percentage of that class formerly sent to Deer Island was small. Now it amounts to almost one half the inmate population.

Sufficient Protection to Public from Deer Island Lacking.

Apart from the question of whether the serious offenders belong at Deer Island or not, and whether the City of Boston should have to pay for their keep, there is another matter of serious import to be kept in mind. That is the need for and the supply of protection for the public from this class of prisoners while they are supposed to be in restraint. Fortunately, there has been no serious break at Deer Island yet. There have been occasions, however, when the authorities were seriously alarmed.

There is no wall around the institution property except one which separates it from the end pointing out to sea which is occupied by the Federal Government.

The Winthrop shore, a residential section, was formerly separated from the prison property by a narrow gut. Sometimes this gut was so narrow that one could almost jump across it. At other times it was wide enough for passage by large excursion boats. At all times it was difficult to cross because of the strong currents.

Now even that protection to Winthrop has gone. The gut has been filled and a street approach to the House of Correction has been made. The whole prison is within easy walking access of the business center of the town of Winthrop.

In the early days of the House of Correction its proximity to Winthrop did not constitute a great danger. Most of the inmates were short-termers, the average commitment being for five or six months. From time to time there were some escapes, but the prisoners who attempted it found it too difficult to reach shore by swimming.

Now, however, there are many at Deer Island who are serving long terms and frequently many who have other prosecutions facing them upon release. There are many who have previously served time in State Prison and Concord Reformatory. There are many, therefore, who might at any time become desperate and attempt escape.

The people on the Winthrop shore have something to worry about from this class of prisoners under the limited protection that now exists.

Boston Cannot Finance Needed Modernization.

If the City of Boston is to continue its custodianship of the Deer Island House of Correction and if the courts are to continue to send hardened criminals down there, Boston must soon spend a lot of money in rebuilding the institution. Boston must first make it safe for law-abiding people to live on the Winthrop shore. It must provide industrial occupation for the new type of inmates. It must add to or replace the aging facilities here and there.

The Finance Commission questions whether Boston should be compelled to shoulder this expense. Is it proper to compel one county, because it happens that the largest city in the state pays the bills of that county, to erect and maintain a modern state penitentiary while the state provides that type for most of the other counties of the state? In its present financial condition, Boston cannot do it.

Interest of Boston in Solution of Present State Prison Problem.

Assuming that the state undertakes to provide new prison accommodation, Boston has a strong interest in whatever means the state takes to furnish it. Boston pays a substantial portion of the state tax. Accordingly, Boston will eventually pay a substantial portion of the cost of whatever the state spends for new prison accommodation and maintenance of it. It is Boston's interest as well as the state's to keep that cost as low as possible.

The state authorities realize that the state must provide more prison accommodations. Recess committees have recommended more for a generation. One thing contained in the report of the most recent recess committee that cannot be disputed is the statement of the very evident need for more prison accommodation.

All the efforts of many years of those sincerely interested in the parole system, and in prisoner reform, are being nullified by the present crowding of prisoners, good and bad, in the existing state institutions. The Finance Commission has likened

it to putting spotted apples in barrels with good apples. The Recess Committee has recently used the same simile.

Accommodation must be provided or arranged so that prisoners may be properly segregated by classes and types and that the rotting type may be separated from those for whom there is hope of reformation. Many judges are sending prisoners to Deer Island only because they know there is room for them there. If there was ample accommodation in state institutions, the judges would not send many of these same prisoners to Deer Island.

#### Finance Commission Suggestion that Deer Island be Taken Over by State.

The Finance Commission has already suggested one method of meeting the need—that the state take over the Deer Island House of Correction. The advantages to the state are many. The cost of a new site would be saved. Cost includes more than financial outlay by the state. There is the cost to the neighboring community to protect itself. Deer Island is now and has been a prison for a century. It is easily accessible to the center of the state population. Accessibility for relatives and friends of prisoners is an important consideration in orderly care and custody of prisoners. Frequent visits by relatives tend to keep up the morale of prisoners by relieving the monotony of prison life. Deer Island can be reached from almost any point in Metropolitan Boston by payment of an ordinary, small car fare.

A prison must be easily accessible to a large center. A large police force nearby is necessary when trouble breaks out. The aid of a large fire department, such as cities maintain, should be speedily obtainable in emergencies. If such aid is not available, the institution must contain that extra service for all emergencies within its own organization. Deer Island has the maximum in protection in this respect.

#### Disadvantages of the Norfolk Suggestion.

Governor Hurley in 1938 suggested an additional prison plant near the present Norfolk annex of State Prison. Many experienced in prison administration question whether it would be good judgment to place a walled prison for hardened criminals in such close proximity to an unwalled, wide-open reformatory where prisoner trustworthiness is being tried out.

From the standpoint of accessibility, Norfolk could not obtain, in an emergency, a large police force without almost coming to Boston. The maximum police reserve must, therefore, be employed in that one spot the year around. This would mean heavy overhead expense.

It costs visitors to prisoners at Norfolk the best part of a working day to reach the institution and return from there. It costs approximately \$5.00 for transportation from and to Boston.

#### Recent Recess Committee Report.

Recently a recess committee created under authority of the 1938 Legislature made a report on the Massachusetts prison situation. This committee recommended using a portion of the State Farm at Bridgewater for housing State Prison surplus. In many respects the objections to the plan of the Hurley administration apply to this suggestion also.

The blanket condemnation by this committee of the Deer Island institution was unwarranted. It followed approximately a one-hour visit of a portion of the membership of the committee to the institution. It was superinduced to some extent by hostile report of conditions by some who have personal interest in continued maintenance of Deer Island by the City of Boston.

This Recess Committee made comparison of cost of operation at Deer Island with the cost at Charlestown State Prison and with the average cost in the state institutions with discredit to Deer Island. Any comparison is worth nothing unless there is a common basis for it. There can be no common basis established between any state institution and the Deer Island House of Correction under existing conditions. For many reasons, some of which have been already set forth in this report, the cost under present conditions at Deer Island must be greater than in the other institutions.

To form intelligent opinion of the availability of the Deer Island House of Correction more is necessary than a casual inspection. A more scientific

approach to the question, prompted by a desire to make the most of what is now there, would have discovered that many features of the institution would serve for many years if the state took it and expanded it. No architect or engineer apparently was employed to examine for the committee or to estimate cost of changes. Nor was such service obtained apparently when the committee arrived at the cost of other projects.

#### Investigation of Deer Island by State Commissioner of Correction.

The State Commissioner of Correction recently assigned employees of his department to investigate conditions at Deer Island. Not having visited there himself in several years, according to the records of the House of Correction, he personally is unacquainted with actual conditions and underlying causes. This group of investigators spent several days in investigation spread over four or five weeks.

The investigators were not men expert by training or experience in prison management such as the Finance Commission believes to be necessary for such a task. Two of them (there were four in all) were under recent administrations employed in the Governor's office with limited, if any, opportunity to observe prison management. None of them was appointed to the state department as one having had experience in institutional work, and all of them are of comparatively recent connection with the department. The Finance Commission does not know to what extent their report guided the Recess Committee in its finding, if at all. The Finance Commission believes it should not be taken too seriously for several reasons.

#### Former Recess Committee Favored Deer Island for a State Institution.

A recess committee created by an earlier Legislature made an exhaustive study of the same question which was before the committee recently reporting. That earlier committee made careful note of changes that would be necessary at Deer Island and estimated the cost of them. The committee emphatically recommended acquisition of Deer Island by the state and figured the cost of making over the existing institution would be approximately \$1,000,000. This figure included expenditure of approximately \$100,000 for a bridge which would now be unnecessary because there is a roadway to the island.

#### Conclusion.

Keeping taxation costs in Boston as low as possible, especially in these times, is important to the whole state. Financial disaster to Boston will affect every taxpayer in the state.

The amount the city must pay to the state is vitally important to the city. It is not what the city is responsible for on its own account that is mainly the cause of the present threat of financial disaster.

Ill-considered state expense in providing new prison accommodation will increase the hazard of Boston financial disaster. Providing ample and accessible new prison accommodation by a means that will serve to keep the cost down and at the same time relieve Boston of an unfair expenditure accomplishes good for both the state and the city.

In view of the foregoing facts and observations, the Finance Commission believes that the transfer of the custody of the House of Correction at Deer Island from the City of Boston to the State Department of Correction and the merge by the State Department of that institution, after suitable rearrangement and expansion, will serve best and most economically for relief of the crowded conditions at Charlestown State Prison and Concord Reformatory.

The commission desires to emphasize that the proposal contained herein is offered on its merits alone. It is not a part of any idea that the state should assume custody of other county institutions.

Respectfully submitted,

DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAQUIRE,  
JOSEPH A. SCOLPONETTI,  
JAMES H. FLANAGAN,  
The Finance Commission.

Placed on file.

## MINORS' LICENSES.

Petitions were received for minors' licenses for eighteen newsboys and two bootblacks.  
Licenses granted under usual conditions.

## NOTICE OF LAND-TAKING.

Notice was received from the Metropolitan District Commission of taking of land near Chelsea Creek for Mystic Valley sewer.  
Placed on file.

## SOLDIERS' AID.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in City of Boston for month of March, 1939.

Report accepted; said order passed.

## CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President MURRAY called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor March 20, 1939, of Astor B. McLean and Con Moynihan, to be Weighers of Coal.

The question came on confirmation. Committee, Coun. Chase and Sullivan. Whole number of ballots 12, yes 9, no 3, and the appointments were confirmed.

## WARD 11 SIDEWALK IMPROVEMENTS.

Coun. ENGLERT offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make sidewalks along Hall street, Ward 11, as a W. P. A. project.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a sidewalk along one side of Williams street, Ward 11, from Washington street to Call street, as a W. P. A. project.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a sidewalk on McBride street, Ward 11, from Washington street to South street, as a W. P. A. project.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving Walnut park, Ward 11, under the W. P. A. type of construction.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a sidewalk along Walnut park, Ward 11, as a W. P. A. project.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make sidewalks on Boynton street, Ward 11, as a W. P. A. project.

Severally passed under suspension of the rule.

## BILLS RE INCREASES IN SALARY.

Coun. FITZGERALD offered the following:

Ordered, That the Corporation Counsel be instructed, through his Honor the Mayor, to oppose all bills before the Legislature pertaining to increases in salary for any county employees unless same have referendums to the Mayor and City Council.

Coun. FITZGERALD—Mr. President, I notice quite a few hills of this kind going through the Legislature without any idea of their coming before the Mayor and City Council, hills to increase salaries and pay rolls. On some of these bills creating and increasing salaries in the City of Boston this Council has nothing to say. I believe that we as County Commissioners should have some voice in such matters, that if such hills are to be put through they should at least be approved by the City Council.

The order was passed under suspension of the rule.

## INFORMATION RE BLUE HILL AVENUE LEGISLATION.

Coun. ROSENBERG offered the following:

Ordered, That the Law Department be requested, through his Honor the Mayor, to inform the Council as to the progress which has been made on the order introduced into the Council on October 3, 1939, which reads as follows:

Ordered, That the Law Department be requested, through his Honor the Mayor, to initiate such legislation as will permit the City of Boston to narrow the reservation space on Blue Hill avenue, from Morton street to Stratton street, and install safety islands.

Passed under suspension of the rule.

## LEAVE OF ABSENCE ON JEWISH HOLIDAYS.

Coun. ROSENBERG and TAYLOR offered the following:

Ordered, That his Honor the Mayor be requested to instruct all department heads to allow leave of absence, without loss of pay, to all city employees of Jewish faith on April 4 and 5, 1939, in observance of the Jewish holidays.

Passed under suspension of the rule.

## BARRING OF HEAVY TRUCKS FROM FLETCHER STREET.

Coun. LYONS offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to bar heavy trucks from the use of Fletcher street, between South and Centre streets, Ward 20, and to place suitable signs to this effect at both ends of said street.

Passed under suspension of the rule.

## MANHOLE COVERS, SOUTH STREET.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to replace the manhole covers on South street, from Robert to Centre streets, Ward 20, with up-to-date flat covers.

Passed under suspension of the rule.

## CONSTRUCTION ON WARD 20 STREETS.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to immediately start construction work, as W. P. A. projects, on all streets in Ward 20 where the sewer work has been completed.

Passed under suspension of the rule.

## SIDEWALKS ON SOUTH WALTER AND SOUTH FAIRVIEW STREETS.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install sidewalks on South Walter and South Fairview streets, Ward 20, under the W. P. A. plan of construction.

Passed under suspension of the rule.

## WARD 13 IMPROVEMENTS.

Coun. HUTCHINSON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to reconstruct with concrete and under the W. P. A. type of construction, Monadnock street, Ward 13.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Upham avenue, Ward 13, from Hancock street to Cushing avenue, under the W. P. A. type of construction.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Denny street, Ward 13, under the W. P. A. type of construction.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Mayfield street, Ward 13, under the W. P. A. type of construction.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Newport street, Ward 13, under the W. P. A. type of construction. Orders severally passed under suspension of the rule.

#### REQUESTED DATA FROM BOARD OF ASSESSORS.

Coun. WILSON offered the following:

Ordered, That the Board of Assessors, through his Honor the Mayor, advise the City Council the amount of the total assessed valuation of property in Boston in the year 1928 and 1938, giving real estate and personal property separately. Passed under suspension of the rule.

#### CLEARING OF SIDEWALKS.

Coun. WILSON offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to direct and instruct division captains, in charge of police stations throughout the city, to vigorously prosecute violations of the Revised Ordinances of 1925, chapter 39, section 44, providing for the clearing of sidewalks; and further

Ordered, That for the more effective enforcement of the provisions of said chapter 39 of the Revised Ordinances, the Police Commissioner be requested to obtain from the Board of Assessors before November first of each year, for the information of division captains, the name and address of the person or persons, firm, or corporation owning the parcels of vacant land in the city located in accepted city streets and adjacent to public sidewalks.

Coun. WILSON—Mr. President, I realize, that our winter is about over for this year, but I have in mind primarily the coming winter and the fact that, although a large number of property owners and residents of the city quite properly expect the city within a minimum time to clear the streets of snow directly following a snowfall, there is an increasing number of property owners of the City of Boston who, nevertheless, leave their sidewalks, especially those adjacent to vacant pieces of land, unswept or unshoveled not only for days but for weeks at a time, until they become dangerous to the traveling public. When complaint is made to the Police Department to proceed in the matter of compelling owners to clear their sidewalks, something which is supposed to be done within 24 hours of a storm, the commissioner quite properly points out the difficulty at times of finding out the names of the owners of vacant pieces of land. I have in mind, for example, a piece of land in Dorchester, at the corner of Washington street and Codman Hill avenue, adjacent to a steep hill, where the sidewalk is hardly ever shoveled from the beginning of the winter to the end, very likely because of difficulty in getting the name of the owner of the property. I feel, therefore, that the members of the Police Department in the different stations might very well, in available odd moments, in advance of next winter, obtain the names of owners who thus violate the law, so that they will be in a position to prosecute. The general public should be better protected in such a matter than it has been in the past. So I feel that this is not merely a technical matter, but one requiring the passage of an urgent order. I think the average citizen of Boston has a right to feel indignant with those who do not shovel their sidewalks, but there is much difficulty at times in prosecuting because the names of the negligent owners or lessees are unknown. Therefore, I think it is well that we should have such names and then we have the remedy provided in the law.

The order was passed under suspension of the rule.

#### ROPING OFF STREETS FOR RACE.

Coun. SULLIVAN offered the following:

Ordered, That the City Messenger be authorized to rope off the streets in the Oak square district of Brighton on the occasion of the annual Presentation Club marathon run to be held on Saturday afternoon, April 1, 1939, and to place detour signs at Tip Top street, Oak square and Cufflin street, same to be charged to the City Council fund for Ropes and Stakes.

Passed under a suspension of the rule.

#### RECESS.

For the purpose of going into executive session, President MURRAY declared a recess at 2.45 p. m. The members reassembled and were called to order at 3.13 p. m.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusement, viz.:

Lilla Viles Wyman, Jordan Hall, May 19; Senia Russaroff, Jordan Hall, April 25,—recommending that leave be granted under usual conditions.

Report accepted; leave granted under usual conditions.

2. Report on petition of National League Baseball Club of Boston, Inc. (referred March 22), for license for Sunday sports—that permit be granted.

Report accepted; said permit granted under usual conditions.

3. Report on message of Mayor and order (referred today) that City Auditor be authorized to use \$542,980.95 of balance in water income to meet interest and sinking fund requirements or serial loan payments on any debt of City of Boston—that same ought to pass.

Report accepted; said order passed.

#### DRIVEWAY OPENING, EAST BOSTON.

President MURRAY, for the Committee on Ordinances, submitted a report on the petition of the estate of Mary B. Jackson for special permit for driveway opening at Dunlap street, Dorchester—that permit be granted.

Report accepted; permit granted under usual conditions.

#### PENSIONING OF FIREMEN.

President MURRAY, for Coun. Kerrigan, offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation to provide for the pensioning of firemen disabled on account of incurring hazards peculiar to their employment, etc., provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

#### DISTRIBUTION OF HANDBILLS.

President MURRAY, for Coun. Kerrigan, submitted the following:

An Ordinance Concerning Distribution of Handbills, etc.

Be it ordained by the City Council of Boston, as follows:

Section forty-one of chapter thirty-nine of the Revised Ordinances of 1925 is hereby amended by adding thereto the following words:

Nor shall any person, without the consent of the owner or tenant of any property abutting on or adjoining a street, deliver, distribute or throw upon said property any handbills, cards, circulars or papers of any kind, including newspapers.

Referred to the Committee on Ordinances.

## REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

Report on petition of Frank Donlan (referred March 6) to be reimbursed for amount of judgment issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one hundred twenty-five dollars (\$125) be allowed and paid to Frank Donlan in reimbursement for amount of judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

## REINSTATEMENT OF RICHARD P. KELLEY.

Coun. LANGAN offered the following:

Resolved, That the City Council of Boston hereby favors the enactment of legislation authorizing the reinstatement of Richard P. Kelley, formerly employed as a lamplighter, in the service of the City of Boston, provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

## PAVING OF WARD 10 STREETS.

Coun. CAREY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to repave with smooth pavement the following streets in Ward 10, under the W. P. A. plan of construction.

Lawn street, Wensley street, Hillside street, Sachem street.

Passed under suspension of the rule.

## RELOCATION OF CITY HOSPITAL TELEPHONE SERVICE.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to confer with officials of the New England Telephone and Telegraph Company as to the expediency of relocating the City Hospital telephone service and transferring it to some exchange other than those listed under the heading of "Central Exchange Offices, Downtown Boston."

Coun. CAREY—Mr. President, I feel that I can say without doubt that the citizens in practically the entire city will gladly welcome co-operation of the Telephone Company officials in the request contained in the order. At the present time the City Hospital telephone service originates in the Kenmore Exchange, which office is included in what is known as the "Central Exchange Offices for Downtown Boston." Just why the City Hospital, located as it is out in Roxbury, should be considered a part of what is described by the telephone officials as downtown Boston, and linked as it is in an exchange that, in turn, is linked up with such exchanges as Devon-

shire, Hancock, Hubbard, Lafayette and Liberty, the telephone service in which latter exchanges embraces an area confined almost entirely to downtown Boston business is rather difficult to understand. Those of us who live in the outlying sections of the city, such as Roxbury, Jamaica Plain, Brighton, Dorchester, Hyde Park and West Roxbury, just to mention a few, realize that to telephone into any of the exchanges listed in what is commonly known as the downtown section is considered by the Telephone Company to be extra service, and consequently more expensive. The City Hospital, to be sure, is far removed from downtown Boston. Conservative estimates are that approximately 2,500 incoming calls are handled in an eight-hour day by the operators on the hospital switchboard. Being in one of the so-called downtown exchanges, as it now is, the service contracted for by practically all the telephone subscribers in the outlying sections will not permit their calling the City Hospital without the assessment of an extra five-cent charge. In fairness to many thousands of subscribers who yearly contact the hospital inquiring as to the condition of relatives confined there I hope that the officials of the Telephone Company will appreciate, on the average service subscribed for, the unreasonable extra cost of these telephone calls into the City Hospital and I therefore request his Honor the Mayor to ask that the matter be gone into thoroughly with a view to giving fair and proper consideration to these many thousands of telephone users.

## DROP IN PROPERTY VALUATION.

Coun. CHASE offered the following:

Ordered, That the Board of Assessors be requested, through his Honor the Mayor, to submit to the City Council a complete report of the reasons why they expect that the valuation of property within the City of Boston will drop \$40,000,000 this year, as reported; and be it further

Ordered, That the Board of Assessors submit a list of the names and addresses of property owners who have secured tax abatements and reductions in assessed valuations amounting to more than \$1,000, exclusive of widows' abatements, for the year 1938.

Coun. CHASE—Mr. President, inasmuch as the City Council is charged with the duty of preparing the city budget for the year, I believe we are entitled to the information that I have asked for in these orders. We have been given to understand, through statements of the Board of Assessors, that they expect that the valuation of property within the City of Boston will drop \$40,000,000 this year. Of course, the tax rate will be affected considerably by such a serious drop in property valuations in Boston. I believe personally, also, that the tax rate is considerably affected by tax abatements. We are faced with these problems, and I believe that this Body, from every point of view, is entitled to such information as I have asked for in these orders. I understand that for five years we have not been able to get that information. I certainly trust that the orders will pass.

The orders were passed under suspension of the rule.

Adjourned at 3.22 p. m., on motion of Coun. ROSENBERG, to meet on Monday, April 3, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, April 3, 1939.

Regular meeting of City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair, Coun. Agnew absent.

## JURORS DRAWN.

The following jurors were drawn under the law, Coun. ROSENBERG presiding at the jury box in the absence of the Mayor, viz:

Eighty-five traverse jurors, Superior Criminal Court, to appear May 1, 1939:

Liberato J. Caponigro, Ward 1; Vincenzo Crescenzo, Ward 1; William Driscoll, Ward 1; Henry B. Foster, Ward 1; James E. Gilgan, Ward 1; John W. F. Hughes, Ward 1; Nicholas F. Leonard, Ward 1; Joseph Marinelli, Ward 1; William W. Murphy, Ward 1; Santino Ronchini, Ward 1; Samuel J. Savasta, Ward 1; Richard J. Rock, Ward 2; Joseph Falco, Ward 3; William McEwan, Ward 3; John L. Grandin, Jr., Ward 4; Albert J. Metcalf, Ward 4; James L. Powers, Ward 4; John H. Smith, Ward 4; J. Ronald Sollows, Ward 4; Harry C. Webster, Ward 4; Earl Bailey, Ward 5; Morton J. Dodge, Ward 5; William G. Reed, Ward 5; Mark T. Wendell, Ward 5; James A. Mullen, Ward 6; Harold L. Robbins, Ward 6; Frederick B. Darling, Ward 7; Walter A. Houghton, Ward 7; Leard Remsen, Ward 7; William J. Bolger, Ward 8; Carl R. Delvental, Ward 8; Edmund T. Earle, Ward 8; Edward J. Fennessey, Ward 8; Francis J. Griffin, Ward 8; Raymond Keliher, Ward 8; John J. Lydon, Ward 8; Daniel J. O'Neill, Ward 8; William T. Stearns, Ward 8; John Clinton, Ward 9; James P. Fay, Ward 9; Robert Young, Ward 9; Wendell L. Chubb, Ward 10; Patrick J. Fitzpatrick, Ward 10; Arthur J. Seaverns, Ward 10; Bernard Albert Bower, Ward 11; Edward Costello, Ward 11; William P. Halpin, Ward 12; Burnett H. Jones, Ward 12; Roderick C. MacDonald, Ward 12; Murdock J. Ross, Ward 12; John J. Coffey, Ward 13; Louis A. Cron, Ward 13; John S. MacKinnon, Ward 13; Francis J. Robinson, Ward 13; Cornelius Skehan, Ward 13; Israel Kravitz, Ward 14; Jacob Litvin, Ward 14; Harry Richmond, Ward 14; Hyman Weintraub, Ward 14; John F. Rice, Ward 15; Malcolm T. Duffee, Ward 16; John L. Ingham, Ward 16; Lorne W. Kaye, Ward 16; Randall B. Smith, Ward 16; Francis M. Vitt, Ward 16; Jacob Glassman, Ward 17; Harris F. Lane, Ward 17; George R. MacGillivray, Ward 17; David T. Ryan, Jr., Ward 17; Frank H. Ferry, Ward 18; Gustave A. Johnson, Ward 18; Jeremiah F. Murphy, Ward 18; Henry R. Williams, Ward 18; Adolf P. Bartsch, Ward 19; Thomas A. Fouthey, Ward 19; Joseph F. O'Neill, Ward 19; William H. Sharp, Ward 19; Frank E. Kramer, Ward 20; Silas G. Small, Ward 20; John J. Sullivan, Ward 20; Abraham Carro, Ward 21; Charles B. Carrl, Ward 22; Harry Drinkwater, Ward 22; William A. Goday, Ward 22; William A. Moore, Ward 22.

Eighty-eight traverse jurors, Superior Civil Court, to appear May 1, 1939:

Elmer J. Greene, Ward 1; Charles G. Hansen, Ward 1; Daniel B. McDuffie, Ward 1; Alexander J. McHatton, Ward 1; Ralph Scopa, Ward 1; Matthew L. Crehan, Ward 2; Patrick Fleming, Ward 2; John P. Linehan, Ward 2; George V. Collins, Ward 3; James P. Curran, Ward 4; Herbert E. Glasier, Ward 4; William F. Griffin, Ward 4; John J. McAuliffe, Ward 4; William M. Morrill, Ward 4; Merton R. Osgood, Ward 4; William F. Almy, Ward 5; Percy B. Gamble, Ward 5; Charles Jackson, Ward 5; James W. Norris, Ward 5; John G. Trump, Ward 5; Frank Bianchi, Ward 6; Mark A. Connelly, Ward 6; John Kendrick, Ward 6; James P. McDonald, Ward 6; John J. Norton, Ward 6; John J. Scannell, Ward 6; Michael J. Burns, Ward 7; William J. Hennessey, Ward 7; Frank T. Bowen, Ward 8; Frederick B. Connelly, Ward 8; Charles M. Liboi, Ward 8; Albert A. Miner, Ward 8; Carl D. Rundquist, Ward 8; William E. Walsh, Ward 8; William E. Haley,

Ward 9; Archibald S. Kidston, Ward 10; Edmund J. O'Connor, Ward 10; Nicholas Harry Stevens, Ward 10; Frank J. Welz, Ward 10; Michael Duffin, Ward 11; Morris L. Selib, Ward 11; Augustus C. Mooney, Ward 12; Alexander Gillis, Ward 12; Philip Fradkoff, Ward 12; David B. Fisher, Ward 12; Peter J. Lucey, Ward 13; John J. Mahoney, Ward 13; J. Frank McLaughlin, Ward 13; James M. Swift, Ward 13; Albert F. Williams, Ward 13; Chester M. Chisholm, Ward 14; Max Coleman, Ward 14; Harry H. Gilman, Ward 14; Frank M. Glynn, Ward 14; Samuel Hadley, Ward 14; Samuel S. Kligerman, Ward 14; Edward R. Lindermann, Ward 14; James H. Long, Ward 14; Wallace M. McNaught, Ward 14; Michael Thomas Murphy, Ward 14; Morris L. Snyder, Ward 14; Joseph A. Enos, Ward 15; Edward Walsh, Ward 15; John T. Bogue, Ward 16; Philip Coyne, Ward 16; William J. Loughran, Ward 16; John L. McFadden, Ward 16; John J. Campbell, Ward 17; John J. Collins, Ward 17; Arthur M. Hall, Ward 17; William E. Nolan, Ward 18; Charles E. Jacob, Ward 19; Daniel W. Manley, Ward 19; Oscar H. Swanson, Ward 19; Thomas L. Sweeney, Ward 19; Joseph F. Walsh, Ward 19; Thomas A. Whidden, Ward 19; Myles M. Hodekins, Ward 20; Chester A. McGeoch, Ward 20; Henry A. Reissfelder, Ward 20; Francis J. Ford, Ward 21; William C. Mahoney, Ward 21; David L. Morris, Ward 21; Robert Reid, Ward 21; Lawrence F. Wholley, Ward 21; Daniel Hayes, Ward 22; William A. MacKinnon, Ward 22; James W. Moore, Ward 22.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:  
Weigher of Goods: Oscar T. Kazanjian, 163 Bloomingdale street, Chelsea, Mass.

Weighter of Coal: Walter Gillis, 95 Walnut street, Brookline, Mass.

Laid over for one week under the law.

## RESURFACING OF NEPONSET AVENUE, ROSLINDALE.

The following was received:

City of Boston,  
Office of the Mayor, April 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 6, 1939, concerning the resurfacing with smooth pavement Neponset avenue, Roslindale, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, March 27, 1939,  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Neponset avenue, Roslindale, under the W. P. A. plan of construction.

Please be advised that this department will try to have this street incorporated in a W. P. A. project for construction this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## RESURFACING GREEN STREET, WARD 19.

The following was received:

City of Boston,  
Office of the Mayor, April 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of March 6, 1939, concerning the resurfacing with smooth pavement Green street, Ward 19, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, March 27, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Green street, Ward 19, under the W. P. A. plan of construction.  
All this street needs is a good patching job and just as soon as weather conditions will permit I will have the patching of this street taken care of.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### INCREASE OF SHERIFF'S SALARY.

The following was received:

City of Boston,  
Office of the Mayor, April 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith for consideration by your Honorable Body the attached proposal by the Budget Commissioner of certain changes in the "Compensation and Classification Plans for the Officers and Employees of Suffolk County."

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Budget Department, April 3, 1939.  
To the Mayor and City Council.

Honorable dear Sirs,—Rule 7, "Amendment of the Compensation Plan," of the "Compensation and Classification Plans for the Officers and Employees of Suffolk County," provides, "Whenever in his judgment the compensation for any class or group of classes, as provided in the compensation plan, is in need of revision, the Budget Commissioner shall report such fact, in writing, to the City Council, together with his reasons therefor and with revised schedules of compensation for such class or classes and also for any related class, the compensation for which would be thrown out of due relation by the adoption of such revised schedules. Any proposed amendment shall become effective upon approval by the City Council, subject to the provisions of the City Charter."

Under the provisions of the above rule it is proposed to increase the fixed salary of \$4,000 annually of the Sheriff and Jailer to a fixed salary of \$6,000 annually. Consideration of this amendment is offered to your Honorable Body on the basis of the representations made in letter of January 9, 1939, by the Sheriff, addressed to the Budget Commissioner, the original of which is transmitted herewith.

Respectfully,  
FRANCIS X. LANG,  
Budget Commissioner.

Ordered, That the fixed salary as now set forth for the Sheriff and Jailer in the "Compensation and Classification Plans for the Officers and Employees of Suffolk County," be, and the same hereby is, revised by striking out the words and figures, "Annual, \$4,000," and substituting therefor, "Annual, \$6,000," so that the same shall read:

Fixed Salary.  
Annual, \$6,000.

Referred to Committee on County Accounts.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

##### Claims.

C. A. Adelman, for compensation for damage to car by city cart.

Arnold M. Barron, for compensation for damage to car by city truck.

Morris H. Binder, for compensation for damage to car caused by tip cart.

Thomas M. Bulman, for compensation for damage to car caused by an alleged defect at 80 Sprague street, Readville.

Elizabeth V. Clony, for compensation for damage to car caused by an alleged defect in Crawford street, Roxbury.

Helen L. Duncklee, for compensation for injuries caused by an alleged defect in Joy street steps.

James T. Farley, for compensation for damage to car by fire chief's car.

Leo J. Hart, for compensation for damage to car caused by an alleged defect at 89 Beach street.

Mildred Isenberg, for compensation for injuries caused by an alleged defect in Benedict Fenwick School.

Q. W. Lung Company, for compensation for damage to property at 56 Beach street, caused by break in water main.

Mary M. Lynch, for compensation for damage to car by city cart.

Wendell A. McKinnon, to be reimbursed for execution issued against him.

Max Segal, for compensation for damage to car by city truck.

Ray C. Tannar, for compensation for damage to car caused by an alleged defect in Cottage Farm Bridge.

Elizabeth Watts, for compensation for injuries caused by an alleged defect in Boylston street.

Rudolph G. Wehber, for compensation for injuries caused by an alleged defect at 9 Pemberton square.

##### Executive.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

Muriel Matthews, Masonic Hall, April 3.

Murray Aklen, Jordan Hall, May 10.

Ruth M. Taylor, John Hancock Hall, May 5.

Petition of Angela Murnane to be paid annuity on account of death of Paul J. Murnane, late member of Police Department.

##### Committee on Ordinances.

Petitions for driveway openings were received, viz.:

Estate of Thomas E. Proctor, 44 Stanhope street.

Joseph F. Ezrin, at 363-371 Tremont street.

#### INTEREST IN CONTRACT.

Notice was received from James A. Ecker, Director of Music, of royalty of two cents a copy on each copy sold of musical work, "What the Flat Sings."

Placed on file.

#### APPROVAL OF TAX TITLE LOAN.

Notice was received of vote of Emergency Finance Board, March 31, 1939, approving tax title renewal loan of City of Boston at 1 per cent.  
Placed on file.

#### BOND OF NATIONAL LEAGUE BASEBALL CLUB OF BOSTON, INC.

The bond covering Sunday sports liability policy for National League Baseball Club of Boston, Inc., was received. Approved by the Council.

#### CONFIRMATION OF APPOINTMENTS.

President MURRAY called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor March 27, 1939, of Charles J. Freygang and Lucius H. Floyd, to be Weighers of Goods.

The question came on confirmation. Committee, Coun. Chase and Carey. Whole number of ballots 14, yes 13, no 1, and the appointments were confirmed.

#### TAX TITLE LOAN.

President MURRAY called up, under unfinished business, No. 2 on the calendar, viz.:

2. Ordered, That under the provisions of chapter 49 of the Acts of 1933, as most recently amended by chapter 57 of the Acts of 1938, the City Treasurer be authorized to obtain the approval of the Emergency Finance Board to the issuance of \$2,000,000 in notes, bonds or certificates of indebtedness of the city, said notes, bonds or certificates to

be sold at their face value to the Commonwealth and the proceeds be, and hereby are, appropriated for the purpose of meeting outstanding revenue loans.

On March 20, 1939, the foregoing order was read once and passed, yeas 17, nays 0.

The order was given its second and final reading and passage, yeas 17, nays 0.

#### HOSPITALITY TO PRESIDENT DE VALERA.

President MURRAY offered the following:

Whereas, On May 14, 1939, the City of Boston will welcome as its distinguished guest, Eamon De Valera, past President of the Irish Free State, and present Prime Minister of the new republic of Eire; therefore be it

Resolved, That the City Council of the City of Boston, in meeting assembled, expresses its pride and pleasure in the opportunity to welcome to Boston, the home and birthplace of American liberty and freedom, the official representative of the Irish people, the able, scholarly and distinguished Eamon De Valera, whose long and ceaseless fight for freedom of the Irish people finds sympathetic and admiring response in the hearts of all liberty-loving Americans; whose career is replete with deeds of courage and daring; whose life is a story of martyrdom, sacrifice and struggle in the face of tremendous obstacles; and whose high intelligence, unswerving devotion and determination, unafraid and unclouded vision, inspired and fearless statesmanship, has resulted and been rewarded in the creation and establishment of the new republic of Eire, an accomplishment which has been the dream, the hope, and the prayer of men of Irish blood for many centuries; therefore be it further

Resolved, That the Mayor of Boston and the City Council of the City of Boston, representative of all the people of Boston, hereby extends to Eamon De Valera, and through him to all the people of the republic of Eire, the high esteem and unbounded affection of the citizens of Boston; and to wish for Eamon De Valera, and all the people of the republic of Eire, the help and guidance of Divine Providence for a glorious and bappier future.

The resolutions were passed.

#### INFORMATION RE PERSONNEL OF POLICE DEPARTMENT.

Coun. FITZGERALD offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to furnish the City Council with the following information concerning members of the Police Department, covering the period from January 1, 1938, to January 1, 1939: The number of members who died; the number who resigned; the number who were pensioned or retired; the number who were discharged; and the total number of vacancies caused by these reasons or other reasons, if any.

Passed under suspension of the rule.

#### RESTRICTIONS AT REAR OF BACK BAY HOUSES.

Coun. SHATTUCK offered the following:

Ordered, That the City Planning Board, through his Honor the Mayor, be requested to advise the City Council as to the present requirements regarding light, air and setback in the rear of the houses in the area bounded by Arlington street, Boylston street, Massachusetts avenue and Beacon street, and what changes, if any, the department can suggest to prevent injury to adjoining and neighboring properties caused by the building over of back yards or to close to the line of the alleys.

Coun. SHATTUCK—Mr. President, when the Back Bay was originally built, the houses were set back and there was a provision for back yards, following practically a uniform line. In recent years apartment houses have been put up that have been built to the alley, and former single dwelling houses have been altered and built to the alley. The result has been great damage in many cases to the adjoining and nearby houses. For example, if you have two buildings going to the alley and one in between, the chance for light and air to the one in between has been practically

destroyed. The purpose of the order is to find out what the present requirements in the matter of light, air and setback at the rear of these houses are, and what can be done to prevent damage to houses not so extended by the extension of adjoining houses to the alley.

The order was passed under suspension of the rule.

#### ACCEPTANCE OF LEE STREET, WARD 11.

Coun. ENGLERT offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out as a public highway, Lee street, Ward 11.

Passed under suspension of the rule.

#### PRISON INDUSTRY FUND APPROPRIATION.

Coun. TAYLOR offered the following:

Ordered, That his Honor the Mayor consider the advisability of appropriating five thousand (5,000) dollars for the Prison Industry Fund, to enable the industries now established to operate on full time.

Coun. TAYLOR—Mr. President, undoubtedly most of the members of the City Council have read recently in the newspapers Commissioner Lyman's attack on Deer Island. I think probably the members of the Committee on Prisons were particularly surprised at that attack in view of their recent visit to the island and their majority report upon conditions existing there. Certainly, in view of that visit and investigation of conditions, the newspaper statement by Commissioner Lyman was astonishing. With the exception of the need of more and better buildings on the island, there was not one iota of truth in the commissioner's report. There is no question of doubt that conditions at Deer Island can be improved, but it would require the expenditure of many million dollars, an expenditure, as Commissioner Lyman knows, that the City of Boston is in no condition financially to make at the present time. It occurs to me, remembering the old maxim, that the commissioner is a great believer in the idea that the best defense is a good offense. I don't know whether Commissioner Lyman is fearful of the barrage now taking place at the State House, fearing that his job may be jeopardized and taking the initiative in making this attack, having in mind its possible effect on the Governor, perhaps making him believe that the commissioner is doing a noble work in the position he now holds. The Committee on Prisons inspected conditions down there, and found no such conditions as Commissioner Lyman has stated. Things were in as good condition as could be expected under the circumstances. I personally spoke to a number of inmates and none of them complained of their treatment. The only trouble was that the industries were not working as they did in the old times, and that was because there was not money enough to provide materials to run the factory on full time. In my opinion, Major Mulcahy is the finest man we could have for that position, and there has never been trouble since he has been at the head of the prison. I cannot, therefore, understand why Mr. Lyman made the report he did. To my mind, if the Mayor of Boston will grant \$5,000 to the Prison Industries Fund, there will be no trouble at the island. The important thing is to appropriate sufficient money to enable the industries now established to operate on full time. There is one other thing that I think we should draw to the attention of the Massachusetts Legislature. Unless the State of Massachusetts helps to relieve the burden of the City of Boston and Suffolk County, we will continue to have inadequate buildings and corresponding trouble at Deer Island. The City of Boston has not the money. The state gets its money from the various cities and towns of the Commonwealth, and the different cities and towns send to this prison many of their citizens and inhabitants. Therefore, it is up to the Legislature of Massachusetts to do something constructive, even if it means taking over the entire responsibility.

Coun. SHATTUCK—Mr. President, I do not believe that furnishing \$5,000 additional to the industries at Deer Island will at present solve the problem there. It seems to me, as I have observed and studied the situation as it presented itself to

the Committee on Prisons, that the management of the industries has been inefficient, that they were not able to tell what they were doing, or what it cost. It was clear, after a long examination, that their overhead was too large, that they had too many so-called instructors for the amount of business they have been doing for a long period of time. The whole management, I think, needs to be revamped before we can hope that the present industries can be run without constantly requiring replenishment of the capital with which they were started several years ago, and which has been dissipated to such an extent that the industries have been running at a loss. They claim that that is so because business has fallen off. The figures indicated, however, that the business had not fallen off materially, but that there was inefficiency in management. Therefore, I feel that management is what they need more than capital.

Coun. WILSON—Mr. President, some months ago the Council, I being among the minority, voted \$20,000 for a pioneer chicken farm at Deer Island, not particularly to give attention to the chickens but supposedly to keep the idle men among the prisoners busy, furnishing them with an industry that might be of advantage to them. I voted against that waste of the city's money, of course. It seems to me now that the proposition to follow up that \$20,000 with \$5,000 more, for the alleged purpose of providing employment for prisoners at Deer Island, should be defeated. In these days of unemployment, if we have extra money to spend, with all due respect to the prisoners at Deer Island, it seems to me our first duty is to the tax-paying public and to try to keep the men who are out of prison at work.

The order was referred to the Executive Committee.

**SIDEWALK ON ELMONT STREET, WARD 14.**

Coun. ROSENBERG offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a sidewalk along Elmont street, Ward 14, as a W. P. A. project.

Passed under suspension of the rule.

**RESIDENCE WITHIN CITY OF ALL TEACHERS.**

Coun. HUTCHINSON and SULLIVAN offered the following:

Ordered, That the School Committee be requested, through his Honor the Mayor, to consider the advisability of requesting all nonresident teachers in the Boston public schools to become residents of Boston prior to the start of the next school year, and registered voters of Boston within a year.

Coun. HUTCHINSON—Mr. President, I believe Boston people should have jobs in Boston in preference to people living outside of the city. Those people who are working for Boston in the School Department of the city should live in the city. They should help to bear the burden that is being borne by the taxpayers of the City of Boston. They are getting their bread and butter from this city and certainly should help the city.

Coun. SULLIVAN—Mr. President, I am impelled to go along with Councilor Hutchinson on this matter at this time by reason of the actions taken by the mayors of several cities, notably Woburn, enforcing a ruling whereby only residents of those cities would teach in their schools. This, I think, should cause Boston to adopt a similar measure as a defensive complex. A search of the last pay roll book brings out the startling fact that in 1937 in the Boston high schools alone \$1,238,102 was expended to pay the salaries of 348 teachers living outside of Boston. These teachers were divided among sixty-three of the 359 cities and towns of the state. Dorchester High School for Girls had twenty-nine nonresident teachers on the staff, and Dorchester High School for Boys had the same number. Twenty-five nonresident teachers taught in East Boston High School, and eleven teaching at Charlestown High were from outside of the city. A similar number were on the pay roll at Girls' Latin. Out of seventy teachers at the Brighton High School, nineteen came from outside of Boston, and four counties were represented in the teaching staff of that high school. Forty-

three out of 105 teachers at the English High School, receiving an annual aggregate salary of \$165,782, were nonresidents of Boston. At Girls' High, twenty-one teachers, receiving a gross salary of \$72,768, represented four other counties. Ten teachers at the High School of Commerce and nine at the High School of Practical Arts were likewise nonresidents, while at Mechanic Arts High School thirty-eight teachers listed on the pay roll as receiving \$150,336, failed to make Boston their home. It is interesting to note that in that year five parties, paying taxes or rentals in Woburn, drew an aggregate salary in excess of \$16,000 from the City of Boston schools. Newton took the medal with thirty-four nonresidents, and Duxbury won the distance prize with two residents of that town on the Boston school pay roll. I think it must be said in tribute to the present members of the Boston School Committee and with respect to the men who have served in that body for the past ten years, that the pay roll book reveals few, if any, additions to the Boston school system from outlying towns during that period. It was remarkable to learn that one gentleman, living in Duxbury for the past thirty-two years, was drawing \$4,464 as a Master at the Brighton High School. It will be noted that this includes only those teaching in the Boston high schools. A passing glance reveals that at least a similar amount would be expended among teachers in the primary and grammar grades. Salaries for nonresidents of Boston in the high schools amounts to eighty cents on the Boston tax rate, and for all grades combined, about \$1.60 per thousand of the \$45 tax rate will be expended to keep nonresidents of Boston at work. In view of the fact that Commissioner Reilly, upon his incumbency in office as Fire Commissioner, placed a similar ruling in effect in that Department with notable results, I feel that the School Committee might well do the same. I believe that the School Committee would be fully within its rights to demand that prior to the next school year all teachers living outside of Boston move into the city, or forfeit their positions in the Boston school system. Here are some statistics, giving the salaries of nonresident teachers in different parts of our city:

District.	Amount of Salaries.	Number of Teachers.
Charlestown.....	\$41,136	11
Brighton.....	69,908	19
Commerce.....	38,880	10
English.....	165,782	43
Hyde Park.....	63,168	18
Jamaica Plain.....	29,664	9
Dorchester—Girls.....	87,216	29
Dorchester—Boys.....	107,260	29
Boys' Latin.....	78,768	21
Girls' Latin.....	39,312	11
Girls' High.....	72,768	21
Mechanic Arts.....	150,336	38
Practical Arts.....	26,208	9
Roslindale.....	7,920	2
Roxbury Memorial—Girls..	43,344	14
Roxbury Memorial—Boys..	39,168	11
South Boston.....	39,408	13
Teachers College.....	55,344	15
East Boston.....	82,512	25
	<u>\$1,238,102</u>	<u>348</u>

And this will give an idea of where some of these nonresident teachers are living:

Abington, 2; Andover, 1; Arlington, 8; Ashland, 1; Ayer, 1; Belmont, 16; Beverly, 3; Braintree, 1; Brockton, 3; Brookline, 22; Cambridge, 20; Canton, 2; Dedham, 8; Duxbury, 2; Everett, 5; Foxboro, 2; Framingham, 3; Franklin, 2; Haverhill, 1; Hingham, 2; Holbrook, 4; Holliston, 1; Hopkinton, 2; Lawrence, 1; Lynn, 5; Malden, 5; Mansfield, 1; Mansfield, 2; Marblehead, 1; Medfield, 4; Medford, 15; Melrose, 12; Methuen, 1; Milton, 23; Natick, 4; Needham, 9; Newton, 34; North Easton, 1; Northboro, 1; Peabody, 2; Quincy, 9; Rockland, 4; Salem, 3; Saugus, 5; Scituate, 2; Sharon, 8; Somerville, 13; Stoneham, 1; Stoughton, 6; Swampscott, 1; Waban, 1; Wakefield, 6; Waltham, 7; Watertown, 11; Wellesley, 7; Weymouth, 6; Whitman, 6; Winchester, 2; Winthrop, 5; Woburn, 5; Wollaston, 9.

I certainly trust that the order will pass. Coun. CAREY—Mr. President, I think the order offered by Councilor Hutchinson and Councilor Sullivan is a very excellent one. We know what has been done by many of our departments in bringing into town those who are working for

and are paid by the departments. Mr. Reilly, of the Fire Department, has done a very excellent job in bringing in the firemen; Police Commissioner Timilty, I understand, has taken care of his department in that respect. I think it might be well for us to send such an order as that now offered by Councilor Hutchinson and Councilor Sullivan to the trustees of the Public Library and the trustees of the City Hospital, asking them to do likewise. It is about time that we had some concerted action in a matter of this kind, and I think putting pressure behind it will bring the thing to a real head, and that we will then get somewhere.

The order was passed under suspension of the rule.

#### DISTRIBUTION OF BUTTER TO WELFARE RECIPIENTS.

Coun. KELLY offered the following:

Ordered, That his Honor the Mayor be requested to contact the proper W. P. A. officials in Washington in an effort to have butter, which was on the commodity list up to last August, distributed to W. P. A. workers and welfare recipients in Boston who have commodity cards.

Coun. KELLY—Mr. President, my reason for introducing this order is to bring the matter to the attention of the proper W. P. A. officials in Washington, so that butter, which was on the commodity list up to last August, may be distributed to W. P. A. workers in Boston. I understand that there has been such distribution all over the Commonwealth but that W. P. A. workers here in our city have not recently been considered. I hope that the Mayor will get in touch with the officials at Washington and that something will be done along this line.

The order was passed under suspension of the rule.

#### RESURFACING SHERWOOD STREET, WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Sherwood street, Ward 19, under the W. P. A. type of construction. Passed under suspension of the rule.

#### NUISANCE AT SODEN'S FIELD, ROSLINDALE.

Coun. LANGAN offered the following:

Ordered, That his Honor the Mayor direct the proper authorities to take immediate steps to abolish the present nuisance in the form of collected water which now exists at Soden's Field in Roslindale.

Passed under suspension of the rule.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

Report on petition of Neil P. Coyle (referred March 6) to be reimbursed for amount of judgment issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of twelve hundred dollars (\$1,200) be allowed and paid to Neil P. Coyle in reimbursement for amount of judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; order passed under suspension of the rule.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition of Joseph F. Ezrin (referred today) for driveway opening at 363-371 Tremont street—that leave be granted.

Report accepted; permit granted under usual conditions.

2. Report on petition (referred October 24, 1938) of William J. Maher for driveway opening at 1800 Centre street, Ward 20.

Report accepted; said permit granted under usual conditions.

3. Report on message of Mayor and ordinance (referred January 9) recommending new scale of fees for sealing of weights and measures—that same ought to pass.

Report accepted; said ordinance passed.

4. Report on ordinance (referred December 29, 1938) concerning sale of cigarettes, cigars, etc., by vending machines—recommending passage of ordinance in accompanying new draft, viz.:

An Ordinance Concerning the Sale of Cigarettes or Tobacco by Vending Machines.

Be it ordained by the City Council of Boston, as follows:

Section 1. No person shall vend or sell cigarettes, cigars or tobacco by the use of automatic vending machines or locate, install, keep, maintain or use, or permit the location, installation, keeping, maintenance or use upon his premises of any vending machine, automatic vending machine, or coin controlled, or coin operating machine, or other mechanical device used or engaged to be used for the sale or distribution of cigarettes, cigars or other tobacco products by such method until said person has obtained a license therefor from the Police Commissioner.

Section 2. Such licenses shall be for the term of one year from the date of issue, and the license fee shall be twenty-five dollars (\$25) for each vending machine, automatic vending machine or coin controlled, or coin operating machine or other mechanical device used or engaged to be used for the sale or distribution of cigars, cigarettes, or other tobacco products by such method, and shall be granted subject to such rules and regulations as may be imposed by the Police Commissioner, and violation thereof shall be cause for immediate revocation.

Section 3. Any person violating the provisions of this ordinance shall, upon conviction, be subject to a penalty not exceeding twenty dollars for each offense.

The report was accepted and the question came on the passage of the order.

Coun. FITZGERALD—Mr. President, I did not quite understand the wording of the ordinance, did not get the gist of it, and would like the chairman of the committee to explain its intent.

Coun. TAYLOR—Mr. President, in answer to the question of the councilor from Ward 3 (Coun. Fitzgerald) and in order to clarify the matter, let me say that the ordinance as reported by the committee would have this effect, so far as the use of cigarette or tobacco vending machines throughout the city is concerned. The idea is that there shall be a license fee of \$25 on each and every machine.

Coun. FITZGERALD—Mr. President, I would like to ask the chairman of the committee to explain to the Council why we should tax them \$25? I feel that at the present time people are being taxed to death. The action of the Council a few months ago in raising fees all along the line has met with very severe protests from many of the small business men in this city, and many are now asking that such action be repealed. Instead, we are now proposing to tax these cigarette vending machines \$25.

Coun. TAYLOR—That is not correct. This is a license fee and not a tax. We have not the power to tax.

Coun. FITZGERALD—Mr. President, I desire that when the vote is taken on this matter, it be taken by yeas and nays.

Coun. WILSON—Mr. President, as the original proponent of such an increase in the license fees on cigarette and tobacco vending machines in the City of Boston, I want to finally disillusion the councilor from Ward 3 (Coun. Fitzgerald) of the idea that this is a tax. It is not a tax, it is a license fee. I might say that I believe last year there were at least 1,500 of these cigarette vending machines in the city that were not taxed, upon which not even a personal property tax was paid. I also have in mind the fact that in the city of Chicago three or four years ago there was a license fee of \$50 for each of these machines, and that last year they were prohibited altogether. So it would seem that this is certainly a reasonable license fee. On the question of imposing a license

fee, the argument can also be used that these machines automatically put men out of employment, that they are in direct competition with tobacco stores. The Law Department, in advising the Committee on Ordinances, stated that they felt that such a license fee as is here proposed was in no way beyond the power of the City Council, and upon being asked whether or not they felt that the proposed license fee, which is but one half of what the fee that was imposed in the city of Chicago several years ago, was an unfair license fee, the Law Department stated to the Committee on Ordinances that they did not feel that such a fee was so excessive as to be considered a tax or that even the \$50 charge imposed in the city of Chicago was so excessive as to be considered a tax. However, we wanted to be fair in the matter and simply proposed here a license fee of \$25, instead of the \$50 that was imposed in the city of Chicago before these machines were prohibited there. As I say, we simply wanted to be fair in the matter, and to fix a figure that would not be construed by the court as a tax, and yet that would repay the City of Boston for the services rendered by certain departments of the city. Assuming for the sake of argument that the proposed ordinance is passed, it is my intention to offer to the Council an ordinance containing rules and regulations to be established for the cigarette and tobacco vending machines, which shall be under the inspection of the Board of Health and under the reasonable supervision of the Police Department, besides being tested annually and as to mechanical operation by the Sealer of Weights and Measures of the city. Rumors have reached members of the committee to the effect—rumors which, of course, are to be discounted—to the effect that a member of the family or a friend of the present Mayor, who has some connection with these cigarette vending machines, is prepared to see to it that the ordinance is vetoed. I will state, however, realizing that the Mayor is such an outstanding executive and that he desires the city to be as self-supporting as possible, and realizing that he wants the various city departments, so far as possible, to be able to support themselves, that I am very sure the Mayor will be uninfluenced by any outside interests and that he will, of course, give this ordinance careful consideration. The regulating ordinance which I desire to submit would require, among other things, that the licensing authority, or the Sealer of Weights and Measures, shall issue a metal plate to the applicant which shall be fastened or exposed in a conspicuous place on each machine so licensed before such machine may be used or operated. Such plates shall specify the year of the current license, the name and address of the owner, the name and address of the licensee, the address of the location where such machine is licensed to be operated, and a statement that such machine is not to be operated by any minor. The only place on most of these cigarette vending machines where such a plate could be put is a small inconspicuous place, so some arrangement would have to be made whereby the plate would be exposed in a conspicuous place before the machine could be used or operated. Of course, it can be readily seen that if there is access to these machines by minors—for instance, in the ordinary garage, gasoline station or hotel lobby—without proper supervision, any minor in the City of Boston could easily obtain cigarettes and tobacco products. The committee therefore had in mind, in order that there might be proper supervision and regulation, certain work to be done by various city departments, first, that before such machine is licensed, it shall annually be tested as to its mechanical operation by the Sealer of Weights and Measures of the City of Boston, who shall certify to the licensing authority that the machine is in proper working order; second, "the Board of Health, at intervals, shall inspect such machines and if, on such inspection, the merchandise in such machines is found not to be reasonably fresh and merchantable, or if the machine or merchandise is certified by the Board of Health not to be in sanitary condition, then the license shall be at once revoked"; and, third, "it shall be the duty of the Police Department to keep such machines under reasonable supervision and to diligently and promptly institute prosecution in any and all cases where any such machine is operated by a minor."

As a member of the bar I realize, of course, that those who do not wish a license fee placed on the machines—and nobody likes to pay out money even when it should be paid—conceivably

might attack the validity of the ordinance. In my opinion, the ordinance, as the Law Department stated, is absolutely valid provided the fee is not so large as to really be a tax. It should be a fee that can be substantiated or supported by the amount of service required to be rendered by the city departments; and in that connection I have in mind that when the regulations are adopted the Sealer of Weights and Measures must certify that the machine is in good working order, that the Board of Health must see that it is in sanitary and proper condition and that the Police Department will be supposed to exercise reasonable supervision so that the ordinance against minors buying tobacco shall not be violated. Of course, when an ordinance like this is attacked in any court it must appear that the amount charged for the license fee—in this case, \$25—is not in any way disproportionate or unfair. From the point of view of revenue it should be a considerable help to the city. Some months ago we increased the license fees on a number of businesses and activities, always bearing in mind that when we seek to increase the revenue of the city in this way, fees must not be placed at a point where they are not warranted by the necessary supervision and activities of our departments in connection therewith. Bearing in mind that there are in the city 1,500 of such vending machines, and perhaps more—my arithmetic is always bad, and so you can compute the amount for yourselves,—it seems to me that, while the amount to be obtained may seem a small item to some, it should appeal to the Mayor as at least an attempt to obtain some much needed revenue to meet our city expenditures. And, of course, we all hear in mind that there should be a fine for the selling of tobacco products to minors anywhere in the City of Boston. Under the present status of the matter without proper signs on these machines and without supervision, that ordinance is being violated every day.

Coun. ROSENBERG—Mr. President, of course all the members of the Boston City Council, as well as the Mayor, are interested in securing as much revenue for the city as possible. I am not speaking in the interest of vending machines or of anyone interested in any such proposition, but what I am particularly concerned with is the question of putting through an ordinance here that may be decided to be contrary to the principles applicable to license fees. We might be putting through an ordinance here that would be returned to us, on the ground that it was really a tax. When we are told about the situation in Chicago, as I understand it, the tax question and other questions that might enter into an ordinance of this kind in that city are on such a different basis that no parallel with Massachusetts could be drawn. I believe the \$50 fee imposed in Chicago was really a tax, and not a license fee, and we have been told that when it went into effect in Chicago the vending machines got into the hands of a racketeer group and that the use of the machines there was finally prohibited. It may be that there is danger of the same thing here. If you want to charge a license fee on vending machines you should be sure to impose a fee that will be sustained by a test in court, as a fee and not a tax. We have heard the statement about the supervision that is provided here over the vending machines. If this goes through I don't believe we will find any more supervision than now obtains. We are not going to increase the number of police officers of the city or the inspection forces of the different departments. It sounds well on paper to say that this is to be under the supervision and regulation of the Sealer of Weights and Measures, the Health Department and the Police Department. But I think there is a serious question whether the supervision and regulation will be improved by the passage of such an ordinance. Therefore, I say, if we are to have a license fee it should be one that is reasonable and one that is not really a tax, one that will not be carried to the courts on the ground that it is a tax. I am in favor of every small business man being given a chance to make a decent living, but if we are going to put a tax on certain machines and certain activities we must seriously consider the question of whether we may not be driving them out. We don't want to drive industry out of Boston; we do not want to tax the small business man or the small industry to an extent that will impose a serious hardship. If there is a proper personal property tax and a small license fee that would stand the tax I would favor it. I therefore believe the ordinance should be amended by making the amount \$5

instead of \$25, thereby enacting an ordinance that will undoubtedly stand the test. Then if we find at the end of the year that there are 1,500 or more of these machines in Boston, that they remain here, we may be able to use our own judgment in the matter of imposing a larger license fee. I would move, therefore, that the ordinance be amended by making the license fee \$5 for such vending machines.

Coun. FITZGERALD—Mr. President, I also appreciate the fact that the city has to have more revenue, but, as the previous speaker has said, we do not want to impose a license fee that will drive people out of business and deprive men of employment. I happen to represent this downtown section of Boston, where a very large proportion of such machines as are aimed at here are located. I walked down Green street the other afternoon and a man called me in and pointed out what the effect of such a license fee as is proposed for these vending machines would be. He stated that it would reduce the number of people working in his place and that it would have the same effect on a number of such concerns all over the city. He stated that when it was claimed that those who would be injured come from outside of the state, that is not so, that the action here proposed will seriously affect many small business men in our community, particularly in the downtown section.

Coun. WILSON—Mr. President, will the gentleman yield for a question?

Coun. FITZGERALD—When I get through. This taxation question is getting to be a very serious one in this city. I have heard a good deal of complaint from the lodging houses, who have been considerably stirred up recently by the statement from the assessors that they may be further taxed on their personal property. Many of them had hard work getting by last year, and a number of them have gone under in the past few years. There has been too much of this taxing of people who were defenceless and could not speak for themselves. The door has been opened of recent years, so that now nobody is escaping taxation, and it is becoming a very serious burden to many people in our city. These vending machines are in barber shops and other such places, enabling them to make a little money to eke out their income, and now it is proposed to tax them in a way that will probably drive them out of business. Who is the blame to be placed on? Not the Board of Assessors, but those who have opened the door, with the result that propositions of this sort are now being advanced from day to day. I warn you gentlemen now not to rush into this matter. It is something that should be postponed. There are a lot of people who are going to be affected by it. But when it comes to putting such plans into action some people cannot see beyond their noses, and rush into these things without proper consideration. The members of the Council should think before voting for such measures. There are plenty of things to think about without striking at the poor and defenceless. These machines offer a chance to some poor fellows who may be out of a job to make a little money or it may enable them to increase their very small income. It might well be that even some members of the Council later on might welcome an opportunity of this kind, at some time in their lives. How many young fellows of seventeen or eighteen, or even older men, are working in small factories or stores, where they do not make very much, and this enables them to make a little additional income and to keep off welfare, so that they will not become objects of public charity. The profit in almost every line today is very small, and you are now trying to drive these people to the wall. I say it is not fair and that you should not do it. The other day I walked down Chambers street and I found a place where three men had to be let go, without any notice. We all know what people are obliged to put up with today, and so I say, "Don't rush this thing." If so, you will pay for it. When these things are brought home to the ones who are responsible, the people will be told that the City Council passed it. This sort of thing should stop, and I sincerely hope that this ordinance will be defeated in the Council today.

Coun. WILSON—I suppose the councilor is now willing to answer questions?

Coun. FITZGERALD—It all depends on what they are. (Laughter.)

Coun. WILSON—Is the gentleman aware of the fact that there are probably not more than ten or twelve operators of these machines in the City of Boston, and that they are people who own 200, 300 or 400?

Coun. FITZGERALD—I only know what these men informed me, and I understand that they are selling directly through these machines. I have talked with a number of them through the downtown section here, largely my ward, and I understand that all these little fellows are directly interested. They are practically all operating within the confines of Ward 3. The action here proposed will directly affect a large number of these small business men in their pockets. They are the ones who are interested.

Coun. WILSON—I would like to ask the gentleman another question. Does the gentleman feel that if a man can't buy some cigarettes through a machine he will stop smoking, or that he will go into a tobacco store and buy his cigarettes? Does he think that the cigarette smoking habit will stop by the putting out of commission of these machines?

Coun. FITZGERALD—I don't know about that.

Coun. SHATTUCK—Mr. President, it seems to me that we must stop adding to all these activities of our city government. This is a new activity that is being proposed. It will naturally follow that there will be inspections and that a lot of additional records will have to be kept. This tax on the machines will mean inspections and more inspections, and more activities. I am against it.

On motion of Coun. KERRIGAN the ordinance was referred to the Executive Committee.

Coun. NORTON—Mr. President, I ask unanimous consent to make a statement.

Coun. CHASE—No, Mr. President.

Coun. SULLIVAN—No.

President MURRAY—The Chair hears objection.

#### DEER ISLAND CHARGES.

Coun. CHASE offered the following:  
Ordered, That the Prison Committee of the Boston City Council investigate the charges made by Commissioner Lyman about Deer Island Prison.

Coun. CHASE—Mr. President, speaking as chairman of the Committee on Appropriations, I think it is only fair and proper for this body to investigate the charges made by Commissioner Lyman. I have in mind the fact that a few months ago the Committee on Prisons investigated the Deer Island situation; but apparently Commissioner Lyman has made some sort of investigation since. Inasmuch as this body has the responsibility of appropriating money to maintain Deer Island, it seems hardly right that we should let these charges go without investigation. So I hope the Body will pass this order.

The order was referred to the Committee on Inspection of Prisons.

#### ANALYSIS OF POLICE PERSONNEL, ETC.

Coun. NORTON offered the following:  
Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to bring up to date the analysis of police personnel, equipment and assignments given on page 820 of the *City Record* of 1935, including the status of the Police Department on January 1, 1939.

Passed under suspension of the rule.

#### CLOSING OF PUBLIC DUMPS, WARD 18.

Coun. NORTON offered the following:  
Ordered, That the Mayor of Boston consider the advisability of ordering the public dumps now located close to residential areas in Ward 18 to be immediately closed, before summer weather sets in.

Coun. NORTON—Mr. President, I have been very much concerned about this matter for some time, and have put it up to the Mayor of Boston, and the Mayor, having the seriousness of this matter brought to his attention, made an appointment for this morning to receive about 100 people from that dump section, with a view to looking into and probably remedying the nuisance there. I don't know how many members of the Council have been out there and have been in a position

to realize the situation in the summer months, when the dumps make houses in their neighborhood absolutely unlivable. I understand that the Mayor was to go out there today with the Public Works Commissioner and the Health Commissioner, and arrive at an intelligent understanding of the situation, and how it affects residents in those places. I think the position of the Mayor on this and other matters is exemplary, to say the least. I sat here and listened awhile ago to a statement made by a member, to the effect that it had been said that a member of the Mayor's family was going to interfere with action that might be taken by the Mayor in regard to the so-called slot machine ordinance. My experience with our present Mayor—and I have had experience for many years with different Mayors, as a member of this Body—is that he has always been governed solely by what he considered the best interests of the citizens of Boston. I feel, in fact, that he has been giving the best administration this city has had since the days of the Honorable P. A. Collins; and I say to the councilor who made the statement I have referred to in regard to a friend or member of the Mayor's family influencing the Mayor's judgment on the slot machine business, that, in my opinion, no man will be able to do that. I know what the Mayor of Boston could have had had he adopted a different attitude on one of the matters that has come before him for action, in regard to dog tracks out in the Readville section. But he went into the homes out there, studied the situation, and pointed out the effect that the proposed action might have on youths and others in that neighborhood. I am the representative of those people, and I know how they felt on that and on other matters, and I know that when the Mayor realized how they felt he acted accordingly. Many of the people are not in a position where they can talk for themselves, but the Mayor made it very clear that, as long as he knew how they felt, there was no necessity for their going further. So I know that nobody is going to influence him against his best judgment in the matter of the cigarette machines or on other matters that may come before him. I think, therefore, councilor, that you have not a single thing to worry about in that respect any more than in other matters that might injuriously affect the citizens of this city, so far as the Mayor is concerned. No friend of the Mayor or member of his family is going to influence his action. My experience with the Mayor shows me clearly that nothing except what he thinks is for the best interests of the citizens will dictate his action on any matter that comes before him. I am glad to say that. I have had a good deal of experience with different mayors of Boston for some years, and there are some of them with whom I have battled on occasion. If I did not think any Mayor was right, I have battled him, but I am greatly encouraged to see the service that he, a member of the on-coming generation, is giving to his native city. If there is any honorable, upright man, of the highest integrity, in our city, it is Maurice Tohin.

The order was passed under suspension of the rule.

#### UNEMPLOYMENT OF THOSE OVER FORTY.

Coun. NORTON offered the following:

Ordered, That Mayor Tohin consider the advisability of appointing a competent committee to study and report upon the matter of the unemployment of those over forty years of age in Boston's industrial and commercial establishments. The "Forty Onward League" should be encouraged. Importance should be laid upon ability and not age.

Coun. NORTON—Mr. President, a woman came to me two weeks ago and said that she was rapidly approaching a serious time, so far as continued employment was concerned, and that she was going to get her hair dyed. She said, "I have worked thirty years for a certain concern, but I will not be able to continue unless I have my gray hair dyed some other color. If it remains gray, I am out." There are thousands of people who are being dropped because of age in some of the greatest concerns in this country, some of whom will not hire people of over thirty-five. They do not want older people, and when they get to a certain age they have to leave. Age has become a detriment instead of an honor. I think it might be well to appoint such a committee as I have

suggested in this order, and that it may help to save a few old people their jobs. Let us try to bring home to some of the business houses the fact that there is an obligation to those over forty and that the experience they have acquired with age ought to count for something.

The order was passed under suspension of the rule.

#### ACCEPTANCE OF OWEN STREET, WARD 18.

Coun. NORTON offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to lay out and accept Owen street, Ward 18, as a public highway.

Passed under suspension of the rule.

#### ACCEPTANCE OF COLORADO STREET, WARD 18.

Coun. NORTON offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to lay out and accept Colorado street, Ward 18, as a public highway.

Passed under suspension of the rule.

#### RESURFACING OF WALDEN STREET, WARD 10.

Coun. CAREY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface, under the W. P. A. plan of construction, Walden street, Ward 10.

Passed under suspension of the rule.

#### DISPOSITION OF STATE CHECK.

Coun. WILSON offered the following:

Ordered, That the City Auditor be requested, through his Honor the Mayor, to advise the City Council Committee on Appropriations, in writing, during the current week, the disposition made of check received from the Commonwealth of Massachusetts in excess of one million dollars during the autumn of 1938 for road work.

Coun. WILSON—Mr. President, I am very sure that if we can receive that information during the current week, it will be of assistance to us. I have been among those who appreciated the efforts made by the Mayor to reduce the budget this year something like two millions under last year, and I think the information I have asked for in this order may be of assistance to the Committee on Appropriations. Refreshing my recollection, I think that following the dispute between the Legislature and Governor Hurley last summer, some time during the autumn, there was a check to the amount of a million or a million and a quarter that came through to Boston to be used for work on the roads. I was under the impression that most of that money was still available and that, therefore, the Public Works Department budget would benefit by it.

The order was passed under suspension of the rule.

#### CITY-OWNED PASSENGER AUTOMOBILES.

Coun. WILSON offered the following:

Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to furnish in writing to the City Council Committee on Appropriations this week a complete list of all passenger automobiles now owned by the city, but in use by city employees and officials,—not including fire apparatus, trucks, patrol wagons and police patrol cars,—and giving by departments in each case the make of the car, the type, the year, model and the cost.

Coun. WILSON—Mr. President, no doubt the chairman of the Committee on Appropriations should have the final credit if we are able to benefit by any helpful information along this line, because the order is introduced following early hearings of the Committee on Appropriations. I am inclined to agree with him that probably at the present time, and it is no new thing, many city officials are



riding around at the city's expense, not in Fords or other low-priced cars, but in cars that would do credit to the chief executive of the city. It may be that if this information is furnished, giving the names of the cars and a description of them, it will be of great assistance to Councilor Chase and his associates in considering the budget. We can now form a general idea of the type of cars that are used, by seeing them parked around City Hall avenue.

The order was passed under suspension of the rule.

#### "FOR SALE" SIGNS ON TAX TITLE PROPERTY.

Coun. WILSON offered the following:

Ordered, That the Superintendent of Public Buildings be requested, through his Honor the Mayor, to provide "For Sale" signs on all 1,947 tax title properties now in the custody and control of the city, and further, that an up-to-date and complete list of all tax title properties now owned by the city, giving the location, number of square feet, assessed value, and accrued taxes, interest and costs for each parcel, be printed as of April 1, 1939, and made readily available for real estate men and possible purchasers.

Coun. WILSON—Mr. President, in February the Council was kind enough to pass an order I introduced asking specific information in relation to tax title property that has been such a headache to the city for the last three or four years under the administration of former Mayor Mansfield. As several members who were members at that time will recall, the power of approval of sale of tax title property was for some reason removed from the City Council by Beacon Hill. The avowed reason, according to the Mansfield administration, was that, with the requirement of City Council approval of the sale of tax title property, there was too much delay, that the Council moved too slowly. But the reason why the Council moved slowly, if it did, on tax title property was because when we endeavored to get any concrete information as to any particular property, the actual assessment, and so on, it was like opening a tin can with the end of your fingers. They just did not want to give us information, and until we got it we refused to act. I have therefore been glad to see from the records just how rapidly this property has moved since they have ceased to have the Council as a millstone around their necks. Here are the figures: In 1936, no parcels were sold; in 1937, there were thirty-one parcels sold; and last year, when they no longer had the City Council as a millstone around their necks, only twenty parcels were sold, about two thirds of the number sold in 1937. And so far this year there have been but eight parcels sold. It appears from that information which has been furnished to us through the Custodian of the Real Estate Division,—and this is not only interesting but helpful,—as appears on page 144 of the Council Minutes, that we are now stuck with 1,947 properties in the custody and care of the city, with an assessed valuation of close to \$3,000,000, upon which close to \$1,000,000 is due for unpaid taxes, interest and accrued costs. That has not only been sold for taxes, but has been put through the Land Court and cannot be redeemed. We have it in our lap, and that is the reason for the order I have introduced today, that the Superintendent of Public Buildings, through the Mayor, provide "For Sale" signs on all 1,947 tax title properties in the custody and control of the city, and that the location, number of square feet assessed, value and accrued taxes, interest and cost for each parcel be printed as of April 1, 1939, and that they be made available to real estate men and possible purchasers. Unless something is done, we are stuck, and I would therefore suggest, in accordance with ordinary business management and practices, that we at least put up a sales sign at the various locations, and take at least some steps looking to disposition of the property. The average real estate man might want to make a play on the market, and would be facilitated in doing so by something of this kind, instead of having to go to the Superintendent of Public Buildings office to see what they had for sale, or spending the day, or perhaps a week, finding what the properties are, what they consist of, and what the unpaid taxes, interest and accrued costs are. There are real estate men in Boston who might be glad to get a good deal of this property for parking privileges, and it might at least reimburse the city for unpaid taxes, interest

and accrued costs. So I think it would be well, even if it might mean the expenditure of a little time by the Superintendent of Public Buildings, to provide these "For Sale" signs and to furnish the desired information, in our endeavor to unload three millions of property. We should at least furnish available information in regard to the property to any live real estate operator who might want to relieve us of some of the load.

The order was passed under suspension of the rule.

#### SIDEWALKS, BROWN AVENUE, WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install sidewalks, under the W. P. A. plan of construction, on both sides of Brown avenue, Ward 19.

Passed under suspension of the rule.

#### ACCEPTANCE OF WARD 20 STREETS.

Coun. LYONS offered the following:

Ordered, That the Board of Street Commissioners, through his Honor the Mayor, be requested to accept and lay out the following streets in Ward 20: Theodore Parker road extension, Schirmer road extension.

Passed under suspension of the rule.

#### PLAYGROUND, WARD 20.

Coun. LYONS offered the following:

Ordered, That the new Real Estate Department of the city be requested, through his Honor the Mayor, to make a survey of the section along the Veterans of Foreign Wars Parkway, between Church and Corey streets, Ward 20, for the purpose of determining whether or not the city owns any land in this area which might be developed for playground purposes; and, if not, be it further

Ordered, That the Park Commission be requested, through his Honor the Mayor, to include in their 1939 budget a sum sufficient to provide for the establishment of a playground in this area.

Passed under suspension of the rule.

#### HEALTH UNIT, WARD 20.

Coun. LYONS offered the following:

Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to consider the advisability of erecting a Health Unit and recreation hall in some central location in the Ward 20 district.

Passed under suspension of the rule.

#### SANDBLASTING CITY HALL WALLS.

Coun. LYONS offered the following:

Ordered, That the Superintendent of Public Buildings be requested, through his Honor the Mayor, to consider the advisability of sandblasting the outer walls of City Hall in connection with the present remodeling work.

Passed under suspension of the rule.

#### ROPING FOR B. A. A. MARATHON RACE.

Coun. MURRAY offered the following:

Ordered, That the City Messenger be authorized to rope off the streets at such points as may be necessary for the Annual Marathon Race, under the auspices of the B. A. A., on April 19, 1939, the expense to be charged to the appropriation for Flags, Ropes and Stakes.

Passed under suspension of the rule.

RESURFACING WEST SIXTH AND  
WEST SEVENTH STREETS.

Coun. KERRIGAN and MURRAY offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to resurface with smooth pavement West Sixth and West Seventh streets, Wards 6 and 7, under the W. P. A. plan of construction.

Passed under suspension of the rule.

RECESS.

The Council voted at 3.48 p. m., on motion of Coun. CHASE, to take a recess subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 4.26 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusement, viz:

Muriel Matthews, Masonic Hall, April 3; Murray Aklen, Jordan Hall, May 10; Ruth M. Taylor, John Hancock Hall, May 5,—recommending that leave be granted under usual conditions.

Report accepted; leave granted under usual conditions.

2. Report on order (referred today) that Mayor consider advisability of appropriating \$5,000 for Prison Industry Fund, to enable industries to operate on full time—that same ought to pass.

Report accepted; order declared passed. Coun. KELLY doubted the vote and asked for the yeas and nays. The order was passed by roll call, yeas 12, nays 6:

Yeas—Coun. Carey, Englert, Fitzgerald, Galvin, Harris, Hutchinson, Kerrigan, Langan, McMahon, Murray, Rosenberg, Taylor—12.

Nays—Coun. Chase, Fish, Kelly, Lyons, Sullivan, Wilson—6.

Later in the session Coun. CHASE moved a reconsideration of the passage of the order.

Coun. CHASE—Mr. President, if my motion to reconsider prevails, I will move reference to the Committee on Appropriations.

The motion to reconsider was declared lost. Coun. CHASE doubted the vote and asked for the yeas and nays.

Coun. CAREY—Mr. President, I understand that the only things that would naturally come before the Committee on Appropriations are appropriation items recommended by the Mayor, and there will be nothing before the Committee on Appropriations in reference to this \$5,000.

Coun. CHASE—Well, Mr. President, I think action upon the matter should be delayed until we know definitely that they cannot function without that \$5,000 at the island.

President MURRAY—The order that we are acting upon does not appropriate the money, but simply asks consideration of the advisability of appropriating it.

The motion to reconsider was lost, yeas 6, nays 11:

Yeas—Coun. Chase, Fish, Kelly, Lyons, Rosenberg, Wilson—6.

Nays—Coun. Carey, Englert, Galvin, Harris, Hutchinson, Kerrigan, Langan, McMahon, Murray, Sullivan, Taylor—11.

3. Report on message of Mayor and order (referred March 27) authorizing sale of pigs to highest bidder at House of Correction, Deer Island—that same ought to pass.

Report accepted; said order passed.

4. Report on ordinance (referred today from Committee on Ordinances) re use of cigarette vending machines—recommending reference to the Committee on Ordinances.

Coun. WILSON—Mr. President, on this proposed reference I have personally complied with the desire of the councilor from Ward 3 (Coun. Fitzgerald) who is vigorously opposed to the ordinance. I believe it is the understanding that the Committee on Ordinances will report back next week, and this reference is to be made in order to permit the gentleman from Ward 3 to appear

before the committee. There has been so much time already taken on the matter that I don't wish to add anything at this time.

Coun. FITZGERALD—I shall try to appear before the committee, although there may be some doubt about my being here Friday afternoon. I have talked with a number of people in the West End about the ordinance, and they are opposed to it.

The report was accepted, and the proposed ordinance was referred to the Committee on Ordinances.

Coun. KERRIGAN in the chair.

EMERGENCY HOSPITAL SERVICE,  
CHARLESTOWN.

Coun. GALVIN offered the following:

Ordered, That the Hospital Trustees be requested, through his Honor the Mayor, to establish an emergency hospital room and service at the White Fund Unit in Charlestown.

Coun. GALVIN—Mr. President, until quite recently we in Charlestown have had the benefit of the Haymarket Relief Hospital which was finally closed. But the people of my section derived a great benefit from that hospital while it was open. We have in Charlestown an unusual situation, somewhat different from what prevails in any other section of the city. We have people over there working twenty-four hours a day along our waterfront, under floodlights at night, and there are many injuries during the late hours of the night. I have been informed that sometimes more than three-quarters of an hour elapses before they can get an ambulance over there in case of an accident. I have also been informed that the Massachusetts General Hospital, when they take patients from Charlestown, usually send them over to the City Hospital. I believe, therefore, that it is the duty of the city to supply proper hospitalization facilities for Charlestown, which at one time had a hospital of its own. I believe it is the duty of the city, really as an emergency measure, to see that we in Charlestown have the protection which is now lacking and which we should have, and facilities such as I have suggested in this order would not be supplied at tremendous cost to the city.

Coun. TAYLOR—Mr. President, when the question of abandonment of the Haymarket Relief Hospital came up, I voted with the Mayor, as Councilor Norton did. Councilor Norton has since said that he felt that his action at that time was unwise, and I also regard mine in the same light. I particularly feel the importance of adequate hospital accommodations in a city like ours, having it brought home to me only this last week, in the case of an attorney friend of mine, at the Pemberton square courthouse. He had a bad attack and had to wait over half an hour before assistance arrived, his face in the meantime turning purple, and the ambulance did not arrive in time to save his life. If the Relief Hospital had been functioning, he could have received first aid which might or might not have saved his life. That I don't know, but at least he would have had a better chance.

The order was passed under suspension of the rule.

HOSPITALIZATION OF EXPECTANT  
MOTHERS.

Coun. MURRAY offered the following:

Ordered, That the Board of Trustees of the Boston City Hospital be requested, through his Honor the Mayor, to arrange for the admittance of expectant mothers whose husbands are on the W. P. A. or welfare, and others in poor financial circumstances, to the Maternity Ward, without the payment of a fee.

President MURRAY—Mr. Chairman, I don't wish to criticize either the Superintendent of the Boston City Hospital or the Hospital Trustees in this matter, but there is a practice prevailing at the City Hospital at the present time that I believe should be changed. It seems that after the wife of a husband who is on W. P. A. or welfare has her first baby and wishes to go back for a second time, there is a fee charged, I believe

of \$10. It seems to me that that is an improper charge and that the City of Boston should make some provision to take care of it. I think if it is brought to the attention of the trustees they will remedy it. There is no provision, however, made to take care of it at the present time, and it is necessary to go to some private agency to seek aid. I think the charge is unfair, and I think if it is brought to the attention of the trustees they will remedy it.

On motion of Coun. TAYLOR, the order was amended by inserting after the words "W. P. A. or welfare," the words "and others in poor financial circumstances," and as amended was passed.

#### SALE OF TAX TITLE PROPERTY.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of selling at least part of the 1,947 parcels of tax title property now held by the city, at public auction, after properly advertising the same.

Coun. WILSON—Mr. President, without repeating what I said in reference to the 1,947 tax title properties before the Executive Committee, I do feel that it would be well for the Mayor to consider the advisability of selling at least part of these 1,947 parcels at public auction, after properly advertising the same. I believe it would be good judgment for the Superintendent of Public Buildings to so advertise and sell some of the lots. I believe it would certainly be well to try out the expedient of selling at public auction some of the preferable lots, to see what results we will have. I think a start should be made,

because the city is not getting richer and up to the present time we are making very little progress in dealing with the \$3,000,000 of property that has thus been left in our laps.

The order was passed under suspension of the rule.

#### REINSTATEMENT OF JAMES GRAY, JR.

Coun. SULLIVAN offered the following:

Resolved, That the City Council of Boston hereby favors the enactment of legislation authorizing the reinstatement of James Gray, Jr., as a member of the Boston Police Department, provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

#### WARD 20 SIDEWALKS.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install sidewalks, under the W. P. A. plan of construction, on the following streets in Ward 20: Brookfield street, Hamilton street, Maple street.

Passed under suspension of the rule.

#### NEXT MEETING.

On motion of Coun. MURRAY it was voted that when the Council adjourn it be to meet on Monday, April 17, at two o'clock p. m.

Adjourned at 5.30 p. m., to meet on Monday, April 17, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, April 17, 1939.

Regular meeting of City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair. Absent, Coun. Agnew and Norton.

## JURORS DRAWN.

Jurors were drawn under the law, Coun. IRWIN presiding at the box in the absence of the Mayor, as follows:

Twenty-five additional traverse jurors, Superior Civil Court, April Sitting, to appear May 1, 1939:

John Doyle, Ward 1; Anthony J. Marino, Ward 1; Lewis F. Barrett, Ward 3; Joseph F. LePage, Ward 3; John F. Sheehan, Ward 3; Bernard J. Parker, Ward 4; Mark P. Smith, Ward 4; Fred E. Whitney, Ward 4; Arthur Feltman, Ward 5; Edward J. Barnes, Ward 7; Richard I. Dobbyn, Ward 7; John Grant, Ward 7; Henry M. McLeod, Ward 7; Thomas J. Quirk, Ward 7; Andrew B. Hennessy, Ward 8; John J. Sheehan, Ward 11; Paul E. Comeau, Ward 12; Milton J. Harrington, Ward 15; Charles F. Goodale, Ward 16; Michael F. McAuliffe, Ward 16; Herbert W. Thorndike, Ward 16; Edward T. Duffy, Ward 17; Raymond F. Shaw, Ward 17; Leslie A. Sullivan, Ward 19; George S. Gibbs, Ward 20.

## APPOINTMENTS BY THE MAYOR.

The following was received:

City of Boston,

Office of the Mayor, April 17, 1939.

To the City Council.

Subject to confirmation by your Honorable Body, I make the following appointments of minor officers paid by fees for the term of one year beginning with the first day of May, 1939. The appointments of all such officers not named herein are hereby revoked from and after April 30, 1939,

Respectfully,

MAURICE J. TOBIN, Mayor.

(The list of appointments are contained in City Document No. 40.)

Laid over for one week under the law.

## CONSTABLES AUTHORIZED TO SERVE CIVIL PROCESS.

The following were received:

City of Boston,

Office of the Mayor, April 17, 1939.

To the City Council.

Subject to confirmation by your Honorable Body, I hereby appoint the following named persons constables of the City of Boston for the term of one year, beginning with the first day of May, 1939, authorized to serve civil process upon filing bond.

The commissions of all constables not named herein expire on April 30, 1939, and such constables are hereby removed from office from and after May 1, 1939, for the good of the service.

Respectfully,

MAURICE J. TOBIN, Mayor.

Authorized to Serve Civil Process upon Filing Bonds.

John J. Adams, 219 East Milton street, Ward 18; William A. Amsie, 24 South Munroe terrace, Ward 16; Henry Atwood, 28 Melbourne street, Ward 16; Samuel C. Baker, 44 Quincy street, Ward 12; David Belson, 66 Colborne road, Ward 21; Joseph L. Bennett, 20 Decker street, Ward 12; Carl Birger Berg, 301 Norfolk street, Ward 17; Alfred Blaustein, 23 Fernboro street, Ward 14; Eugene Blinn, 116 Greenwood street, Ward 14; Abram

Bornstein, 1 Sunderland street, Ward 12; Thomas F. Brett, 15 Malta street, Ward 18; Harold A. Brewster, 93 Roxbury street, Ward 9; Charles B. Broad, 94 Corey road, Ward 21; Milton Jacob Bronstein, 87 Devon street, Ward 14; George W. Brooker, 258 Park street, Ward 20; Francis E. Brown, 11 Tacoma street, Ward 18; Arthur E. Byrnes, 745 Saratoga street, Ward 1; Edgar F. Callahan, 84 Gordon street, Ward 21; Thomas Cannizzaro, 96 H street, Ward 6; James A. Canton, 169 Glenway street, Ward 14; Daniel B. Carmody, 10 Aberdeen street, Ward 21; Thomas C. Carr, 196 Savin Hill avenue, Ward 13; Michael J. Clifford, 14 Isabella street, Ward 5; William K. Coburn, 116 Englewood avenue, Ward 21; Sydney Cohen, 151 Woodrow avenue, Ward 14; John M. Crawford, 27 Washington street, Ward 2; Henry G. Dahlquist, 1743 Dorchester avenue, Ward 16; Charles M. Daley, 53 Monadnock street, Ward 13; John J. Daunt, 68 Adamson street, Ward 22; John J. Dillon, 32 Francis street, Ward 10; Robert E. Donlan, 55 Penfield street, Ward 20; Walter A. Donlan, 23 Lorette street, Ward 20; William F. Dwyer, 175 Poplar street, Ward 18; Harry P. Frost, 36 South Russell street, Ward 3; Paul R. Gast, 98 St. Rose Street, Ward 11; Lewis Gilbert, 21 Schuyler street, Ward 12; Francis W. Gildea, 22 Francis street, Ward 10; Morris Glick, 38 Holborn street, Ward 12; Marks Goldstein, 31 Hiawatha road, Ward 18; Meyer Goldstein, 1398 Commonwealth avenue, Ward 21; Solomon Gorfinkle, 228 Seaver street, Ward 12; Salvatore Grassa, 791 Saratoga street, Ward 1; John F. Halligan, 460 Quincy street, Ward 15; Richard Hegarty, 20 Fairmont street, Ward 17; Joseph Herman, 93 Lucerne street, Ward 14; Jacob Issur, 82 Lorna road, Ward 18; Max Jacobs, 49 Chamber street, Ward 3; David B. Kaplan, 93 Lawrence avenue, Ward 14; James P. Keliher, 22 Leamington road, Ward 21; Bronis Kontrim, 120 Marine road, Ward 7; Mark H. Krafors, 447 Norfolk street, Ward 14; Nathan Kravitsky, 306 Washington street, Ward 14; Abraham Landfield, 5 Leston street, Ward 14; Maurice Levine, 109 Erie street, Ward 14; Anthony Luongo, 381 Frankfort street, Ward 1; Isie Martin, 12 Ashton street, Ward 14; John A. May, 50 Tona-wanda street, Ward 17; John T. McGovern, 34 Worcester square, Ward 8; Timothy J. McInerney, 43 Iroquois street, Ward 10; William P. Miles, 11 Groom street, Ward 7; Bernard M. Mullen, 90 Homer street, Ward 1; John J. Murphy, 80 Sanborn avenue, Ward 20; John L. Murray, 115 Dale street, Ward 9; Edward Ober, 95 Nightingale street, Ward 14; Michael W. Ober, 243 Woodrow avenue, Ward 14; John J. O'Brien, Jr., 7 Castleton street, Ward 10; Louis H. Oppenheim, 7 Mt. Hood road, Ward 21; Frederick Partridge, 107 West Cottage street, Ward 8; Nachman Perlman, 951 Blue Hill avenue, Ward 14; James G. Peters, 107 Sawyer avenue, Ward 13; Phillip S. Phillips, 829 Blue Hill avenue, Ward 14; George N. Pierce, 296 Dudley street, Ward 8; Max Rabinovitz, 74 Mora street, Ward 17; Peter E. Rasnick, 13 Ridgewood street, Ward 15; Louis Richmond, 111 Waumbek street, Ward 12; William T. Rosengarten, 165 Columbia road, Ward 14; Alfred Rudin, 21 Wales street, Ward 14; Alfred N. Sarno, 22 Juniper street, Ward 9; Almerindo Sarno, 1 Cedar square, Ward 9; Frederick J. Sarno, 1 Cedar square, Ward 9; Jacob E. Schrank, 231 Harvard avenue, Ward 21; Samuel Shain, 12 Schuyler street, Ward 12; Frank Shaw, 3 Stockton street, Ward 17; Sidney J. Sheinfeld, 166 Rosseter street, Ward 14; Isaac Shulman, 128 Devon street, Ward 14; Joseph L. Shurtleff, 504 Massachusetts avenue, Ward 9; Joseph Simansky, 61 Wales street, Ward 14; Henry J. D. Small, 14 Windermere road, Ward 13; Leon Small, 72 Elm Hill avenue, Ward 12; Paul Stancato, 185 Endicott street, Ward 3; Frank J. Staula, 227 Wood avenue, Ward 18; Jerome Suvalle, 19 Owen street, Ward 18; Benjamin J. Tackeff, 52 Columbia road, Ward 14; David Tobey, 88 Olney street, Ward 15; Francis J. Tobin, 29 Parsons street, Ward 22; Joseph Todisco, 149 Paris street, Ward 1; Joseph M. Torr, 67 Worcester street, Ward 9; Aber Uckerman, 161 Intervale street, Ward 14; Roman J. Vasil, 11 Granada avenue, Ward 18; Harry A. Webber, 167 Huntington avenue, Ward 4; David Weir, 1289 Commonwealth avenue, Ward 21; Frank F. Wennerstrand, 219 Belgrade avenue, Ward 20; Andrew L. Wessling, 11 Larkhill road, Ward 20; William D. Whitmore, 212 Bay State road, Ward 5; Sidney Williams, 13 Montrose street, Ward 12; John A. Wragg, 62 Shepton street, Ward 16; Louis Yacker, 1071 Blue Hill avenue, Ward 14; Maurice Zeeman, 1156 Commonwealth avenue, Ward 21.

City of Boston,  
Office of the Mayor, April 17, 1939.  
To the City Council.

Gentlemen,—Subject to confirmation by your Honorable Body, I hereby appoint the following-named persons constables of the City of Boston for the term of one year, beginning with the first day of May, 1939, without power to serve civil process and to serve without bond.

The commissions of all constables not named herein expire on April 30, 1939, and such constables are hereby removed from office from and after May 1, 1939, for the good of the service.

Respectfully,  
MAURICE J. TOBIN, Mayor.

#### Constables Connected with Official Positions.

James Baxter, 10 Woodlawn avenue, Ward 18; Edward Berman, 39 Mt. Bowdoin terrace, Ward 14; Charles Boyce, 4 Neptune road, Ward 1; Joseph Brogna, 165 Endicott street, Ward 3; Andrew Bruschette, 45 Chelsea street, Ward 1; John Carey, 58 Newman street, Ward 7; Joseph Carr, 169 Bowdoin street, Ward 15; Joseph P. Casey, 43 Marcella street, Ward 11; Joseph Cohen, 65 Homestead street, Ward 12; Robert Connolly, 20 Thomas street, Ward 19; John H. Coughlin, 59 King street, Ward 16; Edward N. Couzens, 51 Humboldt avenue, Ward 12; James W. Daley, 42 Lambert street, Ward 9; John Donahoe, 468 Saratoga street, Ward 1; Edward Donovan, 336 Geneva avenue, Ward 15; Charles E. Dowd, 102 Gainsborough street, Ward 4; John F. Doyle, 14 Dewey street, Ward 13; Joseph L. Duffly, 15 Spencer street, Ward 17; John J. Duffy, 27 Green street, Ward 2; Manus Eyges, 508 Harvard street, Ward 14; George M. Fitzgerald, 200 Weld street, Ward 20; William J. Fitzhenry, 491 Geneva avenue, Ward 16; Cornelius Fitzpatrick, 17 King street, Ward 16; James J. Flanagan, Jr., 1421 Columbus avenue, Ward 11; Charles L. Forristall, 40 Pinckney street, Ward 5; John E. Ganley, 98 Topliff street, Ward 15; James J. Garvey, 16A Mt. Vernon street, Ward 7; Joseph E. Gilmartin, 15 Emmet street, Ward 16; Max Goldfarb, 31 Allen street, Ward 3; David Gordon, 33 McLean street, Ward 3; Gabriel Grappocio, 47 Auburn street, Ward 3; Henry J. Gurl, 183 Huntington avenue, Ward 4; Charles G. Haddad, 34 Bradford street, Ward 3; Anthony Hanna, 521 Shawmut avenue, Ward 9; Frank M. Hayes, 259 West Third street, Ward 6; William J. Hayes, 15 Shannon street, Ward 22; Edward Hines, 152 Westville street, Ward 15; John Hunt, 11 Bentham road, Ward 15; Leo Kelly, 75 Pontiac street, Ward 10; Joseph Kenneally, 679 Washington street, Ward 17; Henry J. Lawlor, 95 McBride street, Ward 11; Edward J. Leary, 90 Fenway, Ward 4; Wilbur F. Lewis, 645 East Fifth street, Ward 6; Joseph P. Lydon, 19 Windermere road, Ward 13; Andrew Martin, 28 Maynard street, Ward 18; Arthur R. Matthews, 33 Lourdes avenue, Ward 11; Bernard McCabe, 128 Colberg avenue, Ward 20; John C. McCarthy, 28 Quincy street, Ward 12; Paul McCarthy, 316 Hyde Park avenue, Ward 19; Patrick McGovern, 4 Tremont street, Ward 2; Charles J. McGrath, 46 Columbia road, Ward 7; William J. McGregor, 33 Grampian way, Ward 13; Harry W. McNamara, 11 Priscilla road, Ward 21; Archibald McNeil, 14 Blanche street, Ward 16; Leo T. McNeil, 1395 Commonwealth avenue, Ward 21; Albert Mitchell, 154 Eustus street, Ward 8; Joseph Monahan, 57 High street, Ward 2; Leo F. Neenan, 498 East Sixth street, Ward 6; William F. Nicholson, 1580 Tremont street, Ward 10; Edward J. Noonan, 1295 Commonwealth avenue, Ward 21; John F. O'Brien, 761 East Seventh street, Ward 7; Willard F. O'Brien, 5 Orchard street, Ward 19; David I. O'Connor, 15 Iroquois street, Ward 10; Leonard Pike, 54 Wilmington avenue, Ward 17; John J. Rea, 68 Russell street, Ward 2; Timothy F. Regan, 56 Eliot street, Ward 19; James J. Reilly, 44 Francis street, Ward 10; Frederick W. Roche, 24 Hinckley street, Ward 13; Myers Rosenberg, 576 Blue Hill avenue, Ward 14; Alvin E. Sexton, 22 Edson street, Ward 17; Francis J. Shea, 39 Belmont street, Ward 2; Hyman Slate, 28 Phillips street, Ward 5; Daniel V. Sugrue, 52 Athol street, Ward 22; Patrick E. Sullivan, 122 Parker Hill avenue, Ward 10; Joseph Taft, 4 Samson street, Ward 1; Joseph S. Tieso, 67 Cedar street, Ward 17; Herbert C. Timson, 117 Beacon street, Ward 18; William A. Walsh, 69 Maverick street, Ward 1; Fred J. White, 137 St. Alphonsus street, Ward 10; Earl F. Wickes, 14 Rosedale street, Ward 17.

With Animal Rescue League.

Joseph E. Connaughton, 14 James street, Ward 8; Frederick O. Houghton, 363 Adams street, Milton; Archibald C. McDonald, 710 East Sixth street, Ward 6.

With Massachusetts S. P. C. T. A.

Harry L. Allen, 180 Longwood avenue, Ward 4.

Van Drivers Appointed by the Court.

Patrick A. Gargan, 80 Fairbanks street, Ward 22; Charles M. Shea, 33 Hillside street, Ward 10.  
Severally laid over a week under the law.

#### APPROPRIATION OF HIGHWAY FUND.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the Honorable the City Council.

Gentlemen,—Chapter 2 of the Acts of the current year authorizes cities and towns to expend for local highway purposes the funds received by them under the provisions of chapter 500 of the Acts of 1938. The City of Boston, under the provisions of said chapter 500 of the Acts of 1938, received the sum of \$1,194,300. None of this sum has been expended and if appropriated as authorized by the provisions of said chapter 2 of the Acts of the current year will be available for expenditure for construction, reconstruction, maintenance and repair of roads, streets and highways and the other purposes set forth in said chapter 2.

I respectfully recommend that this sum be appropriated as authorized by and for the purposes set forth in said chapter 2. I submit herewith a form of order appropriating said sum for said use. This order provides for the expenditure of said sum under the direction of the Department of Public Works as follows:

Paving Service, Personal Service.....	\$800,000
Snow Removal.....	369,300
Reconstruction of Streets.....	25,000

In view of the foregoing, budget requirements for these respective items during the current year will be reduced by amounts equal to the sums set forth and, therefore, I further recommend that these items as appearing in my budget recommendations now under consideration by the Committee on Appropriations be reduced by the respective amounts previously indicated.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That, as authorized by the provisions of chapter two of the Acts of nineteen hundred and thirty-nine, the sum of one million, one hundred ninety-four thousand three hundred (\$1,194,300) dollars, being the unexpended balance of funds distributed to the City of Boston under the provisions of chapter five hundred of the Acts of nineteen hundred and thirty-eight, be, and the same hereby is, appropriated for construction, reconstruction, maintenance and repair of roads, streets and highways other than state highways, surface drainage, sidewalks, curbs and bridges, whether such work be ordinary or otherwise, said sum to be expended under the direction of the Commissioner of Public Works as follows:

Paving Service:	
A. Personal Service.....	\$800,000
Snow Removal.....	369,300
Reconstruction of Streets.....	25,000

Referred to Committee on Appropriations.

#### SALE OF PROPERTY ON BROOKS STREET, BRIGHTON.

The following was received:  
City of Boston,  
Office of the Mayor, April 17, 1939.  
To the City Council.

Gentlemen,—I inclose herewith an order for the sale of the land and building on Brooks street, Brighton, formerly occupied by the Faneuil Branch of the Boston Public Library.

I am informed by the Library Department that this property is no longer necessary for library purposes in the Brighton district and for that

reason I am of the opinion that this property should be sold so that it may ultimately reach the hands of some individual interested in placing it in the class of taxable valuations.

I respectfully recommend adoption of the accompanying order for the sale of this property at an upset price of \$2,500 by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Whereas, By a resolve and order of the Board of Street Commissioners of the City of Boston, approved by the Mayor of Boston April 28, 1915, and recorded with Suffolk Deeds, Book 3877, page 71, the premises situated at 100 Brooks street in that part of Boston called Brighton, consisting of a building, together with about 5,818 square feet of land, were taken in fee for library purposes; and

Whereas, The said premises are no longer needed for public purposes; now, therefore, it is hereby

Ordered, That the Board of Street Commissioners of the City of Boston be, and hereby is, authorized to sell all the right, title and interest of the City of Boston in and to the said premises at public auction, at an upset price of twenty-five hundred dollars (\$2,500), and the said Board of Street Commissioners is hereby authorized to transfer all the city's right, title and interest in and to said premises to the purchaser of said premises at said public auction by a written instrument, satisfactory in form to the Law Department of the City of Boston, upon the payment to the City of Boston by said purchaser of the amount bid for said premises at said auction.

Referred to Committee on Public Lands.

DISPOSITION OF HIGHWAY FUNDS.

The following was received:

City of Boston,  
Office of the Mayor, April 17, 1939.  
To the City Council.

Gentlemen,—I submit herewith a report prepared by the City Auditor in response to an order adopted by your Honorable Body at the first regular meeting of the current month, requesting information concerning the disposition of highway funds received in 1938 from the Commonwealth. I feel it desirable to supplement the report of the auditor with the following statement.

For several years prior to 1938 the state tax was maintained in the vicinity of \$10,000,000 by the transfer of varying amounts from the Highway Fund. According to Federal authorities this constituted an improper diversion of gasoline tax receipts, and the state was advised that continuance of the practice would result in a material reduction in Massachusetts' share of Federal aid distributed to the states for highway purposes. In recognition of this advice, the transfer procedure was terminated in 1938 and under the provisions of chapter 500 a direct distribution of \$5,000,000 was made from the Highway Fund to cities and towns. As might be expected, this distribution resulted in a corresponding increase in the state tax, provision for which must be made by cities and towns in their 1939 tax levies. The effect of this increase on municipal tax rates for the current year could be offset, of course, if the amounts distributed to the cities and towns could be used to meet ordinary highway expenditures and thus remove from 1939 municipal budgets appropriations for highway maintenance. It was discovered, however, that the language used in chapter 500 would not permit such an application of the funds distributed. When this became evident, I decided that Boston's share of the distribution should be held in reserve until legislation could be secured authorizing its use in such a manner as to afford genuine tax-rate relief.

Early this year, in conjunction with other municipal officials, I introduced a petition in the Legislature requesting that legislation be enacted authorizing cities and towns to use any unexpended balance remaining in the fund for ordinary highway expenditures. As a result of this petition, chapter 2 of the Acts of 1939 was enacted, authorizing the use of any unexpended balance for the construction, reconstruction, maintenance and repair of roads, streets and highways.

As pointed out in the report of the City Auditor, Boston's share of the distribution, namely, \$1,194,300, has been preserved intact, and in a

separate communication I am recommending that it be appropriated in accordance with the provisions of chapter 2 of this year's acts. Adoption of this recommendation will afford genuine tax relief to the extent of 75 cents in the tax rate. I feel that this disposition of Boston's share is proper and appropriate.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Auditing Department, April 13, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—Under an order adopted by the City Council at a regular meeting on the third day of the current month, information is requested as to the disposition of a check received from the Commonwealth in 1938 as a result of a distribution of receipts from the gasoline tax. The exact amount received by the city in this respect was \$1,194,300, and since its receipt it has been held in reserve pending the enactment of legislation authorizing its use for ordinary highway construction and maintenance. This authority is now available under the provisions of chapter 2 of the Acts of 1939.

Respectfully,  
CHARLES J. FOX, City Auditor.  
Placed on file.

APPROPRIATION OF CEMETERY FUND INCOME.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—In the preparation of the 1939 budget provision was made, as in 1938, that \$60,000 of the maintenance expenses of the Cemetery Division of the Park Department should be charged against income of the Cemetery Fund.

Before this income can be utilized it is necessary that an appropriation be made.

I accordingly submit herewith, in accordance with the provisions of chapter 117 of the Acts of 1913, an order providing for the appropriation from the income of the Cemetery Fund in the sum of \$60,000; the same to be utilized in meeting maintenance expenses of the Cemetery Division and respectfully recommend adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of chapter 117, Acts of 1913, the sum of \$60,000 be, and hereby is, appropriated from the income of the Cemetery Fund, to be expended, under the direction of the Park Commissioner, for Cemetery Division, Maintenance and Improvement, \$60,000.

Referred to Committee on Appropriations.

WALNUT PARK, WARD 11, IMPROVEMENTS.

The following were received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the resurfacing with smooth paving Walnut park, Ward 11, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 7, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Walnut park, Ward 11, under the W. P. A. type of construction. This street is now on an approved W. P. A. project and will be constructed this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the making of a sidewalk along Walnut park, Ward 11, as a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 7, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works make a sidewalk along Walnut park, Ward 11, as a W. P. A. project.

This street is on an approved W. P. A. project for reconstruction this year and the sidewalks will be put in good condition at the time of reconstruction.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Severally placed on file.

#### RESURFACING SAVIN HILL AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 20, 1939, concerning the resurfacing with concrete paving, under the W. P. A. plan of construction, Savin Hill avenue, Ward 13, from Dorchester avenue to the bridge.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 7, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with concrete paving, under the W. P. A. plan of construction, Savin Hill avenue, Ward 13, from Dorchester avenue to the bridge. Upon investigation I find that this street is in fairly good condition and is in need of no immediate reconstruction at this time.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING NEWPORT STREET, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the resurfacing with smooth paving, Newport street, Ward 13, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 7, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Newport street, Ward 13, under the W. P. A. type of construction.

I will have this street submitted on a W. P. A. project for construction this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING DENNY STREET, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the resurfacing with smooth paving Denny street, Ward 13, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 7, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Denny street, Ward 13, under the W. P. A. type of construction.

I will have this street submitted on a W. P. A. project for construction this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING OF MAYFIELD STREET, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the resurfacing with smooth paving Mayfield street, Ward 13, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 7, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Mayfield street, Ward 13, under the W. P. A. type of construction.

I will have this street submitted on a W. P. A. project for construction this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING UPHAM AVENUE, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the resurfacing with smooth paving Upham avenue, Ward 13, from Hancock street to Cushing avenue, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 7, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Upham avenue, Ward 13, from Hancock street to Cushing avenue, under the W. P. A. type of construction.

I will have this street submitted on a W. P. A. project for construction this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.



RESURFACING EASTBURN STREET,  
WARD 22.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of February 27, 1939, concerning the resurfacing of Eastburn street, Ward 22, with smooth paving, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 3, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Eastburn street, Ward 22, under the W. P. A. type of construction.

Upon investigation I find that the general condition of this street is fair and immediate reconstruction is not necessary.

I will have this street patched by the district forces.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

RESURFACING RUGGLES STREET,  
WARD 4.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of January 23, 1939, concerning the resurfacing with smooth pavement Ruggles street, Ward 4, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 3, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Ruggles street, Ward 4, under the W. P. A. type of construction.

Upon investigation I find that the general condition of this street is fair and immediate reconstruction is not necessary.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## RESURFACING DEERING ROAD, WARD 14.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 20, 1939, concerning the resurfacing with smooth paving Deering road, Ward 14.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 5, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Deering road, Ward 14.

Upon investigation I find that this is a macadam penetration street and the surface of same is in good condition, and the immediate resurfacing of this roadway is not necessary at this time.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

W. P. A. PROJECT FOR WARD 17 SIDE-  
WALKS.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 6, 1939, concerning the inclusion in a W. P. A. project, asphalt sidewalks on Old Morton street, between River street and Morton street, and also on Morton street, between Gallivan Boulevard and Washington street in Ward 17.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 5, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works include in a W. P. A. project, asphalt sidewalks on Old Morton street, between River and Morton streets, and also on Morton street, between Gallivan Boulevard and Washington street in Ward 17.

As both these streets are main highways I will try to have this work done under a W. P. A. project some time during the present year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

FLIGHT OF STEPS, STURGES ROAD,  
WARD 20.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 20, 1939, concerning the erecting of a flight of steps connecting Sturges road with Bellevue street, Ward 20.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 3, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works erect a flight of steps connecting Sturges road with Bellevue street, Ward 20.

Sturges road was laid out as a public highway July 25, 1924, from La Grange street to 586 feet southeasterly. At this time, on account of the grade of Bellevue street, the Street Commissioners did not see fit to accept this street in its entirety.

This is private land and this department has no jurisdiction therein.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## SIDEWALK, McBRIDE STREET, WARD 11.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the making of a sidewalk on McBride street, Ward 11, from Washington street to South street as a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 7, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have copy of the following order that was passed in the City Council on March 27, 1939:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor,

to make a sidewalk on McBride street, Ward 11, from Washington street to South street as a W. P. A. project."

A lien order passed in the City Council on January 30, 1939, for the construction of artificial stone sidewalks with granite edgestones, on this street, was disapproved by me, as the result of a survey conducted among the property owners showed that a majority of them were not agreeable to paying the assessments as required under the provisions of chapter 196 of the Acts of 1917.

I shall submit to the W. P. A. authorities a project for the installation of tar sidewalks on this street, without edgestone, which I feel will be satisfactory and can be installed with small expense to the city. There will be no assessments levied against the property owners for the installation of these tar sidewalks.

I recommend that this order be approved.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### REPAVING WARD 10 STREETS.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the repaving with smooth paving the following streets in Ward 10, under the W. P. A. plan of construction:

Lawn street, Wensley street, Hillside street, Sachem street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 5, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works repave with smooth paving the following streets in Ward 10, under the W. P. A. plan of construction:

Lawn street, Wensley street, Hillside street, Sachem street.

Upon investigation I find that these streets are surfaced with macadam penetration and their condition is such that no immediate resurfacing is necessary.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING WARD 10 STREETS.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of February 6, 1939, concerning the resurfacing of the following streets under the W. P. A. plan of construction in Ward 10: Cherokee street, Minden street, Mansur street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 5, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface the following streets in Ward 10, under the W. P. A. plan of construction: Cherokee street, Minden street, Mansur street.

Upon investigation I find that these streets are surfaced with macadam penetration and their condition is such that no immediate resurfacing is necessary.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### TOTAL ASSESSED VALUATION OF BOSTON PROPERTY.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Board of Assessors relative to your order of March 27, 1939, concerning the amount of the total assessed valuation of property in Boston in the years 1928 and 1938, giving real estate and personal property separately.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Board of Assessors, April 5, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—Replying to the City Council order of March 27, 1939, concerning the amount of the total assessed valuation of property in Boston in the years 1928 and 1939, real estate and personal divided, I beg to submit the following information:

Year 1928, real estate, \$1,779,654,400; personal, \$164,121,000; total, \$1,943,775,400.  
Year 1938, real estate, \$1,437,589,900; personal, \$112,817,600; total, \$1,550,407,500.

Submitted,  
BOARD OF ASSESSORS,  
by EDWARD T. KELLY, Chairman.

Placed on file.

#### REPAIR OF ARBORWAY BENCHES.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Commission Chairman relative to your order of March 20, 1939, concerning the arranging for the immediate repair of the park benches on the Arborway at Forest Hills, Ward 19.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, April 5, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have your memorandum of March 31, with inclosure order from the City Council, concerning the arranging for the immediate repair of the park benches on the Arborway at Forest Hills.

I regret exceedingly to inform you that the Park Department has no money to immediately repair these benches. They will have to be repaired by our own men as soon as we can procure material by removing benches in other vicinities to repair the ones in the Arboretum.

The benches are sadly in need of repair all over the city, but the Government will not allow of a project for any repairs, which they claim is maintenance.

Very respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### LEGISLATIVE BILLS RE COUNTY EMPLOYEE SALARIES.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of March 27, 1939, concerning the opposing of all bills before the Legislature pertaining to increases in salary for any county employees unless same have referendums to the Mayor and City Council.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, April 4, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—You have transmitted to me City Council order of March 27, 1939, as follows: "Ordered, That the Corporation Counsel be instructed, through his Honor the Mayor, to

oppose all bills before the Legislature pertaining to increases in salary for any county employees unless same have referendums to the Mayor and City Council."

With the policy as thus outlined by the City Council I am in entire accord, as it seems to me that, as the City of Boston pays all expenses for Suffolk County and the Mayor and City Council must accept public responsibility for expenditures, it is only right and proper that legislation increasing salaries of county employees should be subject to acceptance by the Mayor and City Council.

I will be guided accordingly and the Legislative Agent of the city will be similarly instructed.

Very truly yours,

HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

#### COST OF COUNTY MAINTENANCE.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of March 20, 1939, concerning the preparing, introducing and seeking the approval of legislation which will cause each town and city in Suffolk County to contribute its proportionate share to the cost of county maintenance.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, April 4, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—You have transmitted to me order of the City Council dated March 20, 1939, reading as follows:

"Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to prepare, introduce and seek the approval of legislation which will cause each town and city in Suffolk County to contribute its proportionate share to the cost of county maintenance."

Bills of so similar a character have already been given leave to withdraw by the Legislature, that I am of the opinion that a point of order would lie against any bill of the character proposed in the Council order and, consequently, no useful purpose would be served by attempting to introduce it at this time.

Very sincerely yours,

HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

#### ESTABLISHMENT OF BOSTON AS COUNTY.

The following was received:

City of Boston,  
Office of the Mayor, April 10, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of March 20, 1939, concerning the preparing, introducing and seeking the approval of legislation to set up and establish Boston as a county.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, April 4, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—You have transmitted to me for consideration Council order passed by the City Council March 20, 1939, as follows:

"Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to prepare, introduce and seek the approval of legislation to set up and establish Boston as a county."

As you are well aware, legislation of a type similar to that suggested by the City Council has been urged by the City of Boston before the Legislature for many years, up to date without success. The

Legislature has been utterly unwilling to acknowledge the inequity of the present situation, running back one hundred years or more, as a result of which the City of Boston pays all the expenses for Suffolk County without contribution from Chelsea, Revere or Winthrop for county expenses properly chargeable to them. Last year several such bills were introduced and all were given leave to withdraw on next annual session reports. This year again several bills having the same general purpose have already been given leave to withdraw and the reports have been accepted by the General Court.

While the method of the legislation suggested in the Council order is slightly different from the petitions that have been before the Legislature, the essential purpose of them is the same and as they have already been acted on unfavorably, it would, in my opinion, be futile to attempt to introduce such legislation at this time. It is already late in the session and the legislative committee on rules is loath to admit any legislation except of an emergency character, and it would take a four-fifths vote of the Legislature to overrule the decision of the rules committee. Legislation of the character suggested would require attention to the status of Chelsea, Revere and Winthrop and provision would have to be made for the performance of county functions in those communities. In this connection I would point out that by chapter 31 of the Acts of this year the existing jurisdiction of the County Commissioners of Middlesex County in Revere and Winthrop has been terminated and the voters of those communities will no longer participate in the election of the County Commissioners.

Under all these circumstances, I respectfully suggest that no useful purpose would be served at the present time in urging the legislation contemplated in the order of the City Council under consideration.

Very truly yours,

HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

#### COOPERATION WITH SOMERVILLE FIRE DEPARTMENT.

The following was received:

City of Boston,  
Office of the Mayor, April 17, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Fire Commissioner relative to your order of March 20, 1939, concerning the arranging with the Somerville Fire Department for a cooperative plan to answer alarms in the Sullivan square district of Boston.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Fire Department, April 10, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—On April 1 the order of the City Council, dated March 20, concerning the arranging with the Somerville Fire Department for a cooperative plan to answer alarms in the Sullivan square district of Boston was forwarded to me for consideration.

I wish to report that at the present time the Somerville Fire Department responds to the following boxes in the Sullivan square section of Charlestown: Box 4159, 4176, 4177, 4178, 4181, 4183, 4184. The Somerville Fire Department responds to all first alarms from these boxes.

We, in turn, respond to first alarms from certain borderline boxes in Somerville. We have always believed that this mutual aid system worked out satisfactorily and we have not had many experiences which would indicate otherwise.

In spite of traffic conditions at any hour of the day, it is the opinion of the officers of this department that the Sullivan square section is adequately covered by the present system of response to alarm.

Respectfully yours,

WM. ARTHUR REILLY,  
Fire Commissioner.

Placed on file.

### ASSIGNMENTS ON SNOW REMOVAL WORK.

The following was received:

City of Boston,  
Office of the Mayor, April 17, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 20, 1939, concerning the giving of preference to recipients of welfare when assigning men to snow removal work, provided they are physically able to do the work required, and are citizens.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 10, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have received a copy of the following order that was passed in the City Council on March 20, 1939:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to give preference to recipients of welfare when assigning men to snow removal work, provided they are physically able to do the work required, and are citizens."

After the experience of the past winter in the hiring of emergency workers for snow removal work, I find that there are many improvements that can be made, both in the method of assigning workers and the class of workers who should be given preference in employment. I have a plan in mind that I intend to effect next fall, whereby a list of names will be submitted by the Welfare Department of all physically fit welfare recipients who are citizens and who desire to work on snow removal work during the winter. If this plan does not seriously conflict with the problem of garbage and refuse collections in districts where we have to depend to a large extent on welfare workers for assistance, I feel that it should show a saving to the city and insure the employing of those persons who obviously are in need of work.

I recommend that this order be approved.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

### POLICE PATROL OF RIVERS.

The following was received:

City of Boston,  
Office of the Mayor, April 17, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of March 20, 1939, concerning the advisability of assigning police to cover during the summer season those parts of rivers which flow through residential areas of the city.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Police Department, April 15, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—With reference to your memorandum dated March 31, 1939, with which you sent to this office City Council order concerning the advisability of assigning police officers during the summer season to patrol rivers flowing through the residential sections of the city, the commanding officers concerned have been notified to take every possible precautionary measure for the protection of the children who may be playing near these waterways.

Arrangements have been made to detail additional officers along these rivers during the busy part of the summer season, and I feel that under this plan we will be able to meet all emergencies which may arise from time to time.

Very truly yours,  
JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

### ASSIGNMENT OF TRAFFIC OFFICERS TO BENNINGTON STREET.

The following was received:

City of Boston,  
Office of the Mayor, April 17, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of March 20, 1939, relative to assigning five traffic officers to Bennington street, East Boston, from Neptune road to Orient Heights, until such time as traffic signal lights are installed.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Police Department, April 8, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—With reference to your memorandum of March 31, 1939, with which you sent to this office order of the City Council requesting that five traffic officers be assigned to Bennington street, East Boston, from Neptune road to Orient Heights, I am submitting the following information:

Most of the crossings on Bennington street between the points mentioned are covered by the regular route officers during the times that children are going to and from school. Two motorcycle officers patrol this street several hours each week day, as a result of which numerous persons have been prosecuted for violation of the automobile laws.

During the period of racing at the Suffolk Downs track, every one of the intersections along Bennington street, from Neptune road to Orient Heights, is covered by a traffic officer from 11.30 a. m. to 6.30 p. m.

It is my opinion that normal conditions do not warrant the assignment of five traffic officers between these two points on Bennington street.

Very truly yours,  
JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

### INVESTIGATION OF PET SHOPS.

The following was received:

City of Boston,  
Office of the Mayor, April 17, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of March 20, 1939, concerning the immediate investigation of the records and conditions of all pet shops in the City of Boston.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Police Department, April 10, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your communication dated April 1, 1939, inclosing copy of an order passed by the City Council, requesting the Police Commissioner to make immediate investigation of the records and conditions of all pet shops in the City of Boston.

Please be advised that pet shops are not licensed by the Police Commissioner and the matter of an investigation of them is not within the jurisdiction of the police.

Very truly yours,  
JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

### BLUE HILL AVENUE SIDEWALK PROJECT.

The following was received:

City of Boston,  
Office of the Mayor, April 17, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department chairman relative to your order of March 20, 1939, relative to completing the sidewalk project on Blue Hill avenue, in the immediate vicinity of the American Legion Highway, which, at the present time, remains unfinished.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, April 12, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have a memorandum from your office, with inclosure, order from the City Council that the Park Department complete the sidewalk project on Blue Hill avenue.

This was a W. P. A. project and the money allocated for same has been exhausted. A supplementary project was subsequently submitted and approved and the money allocated for Blue Hill avenue, in order to keep the men at work during the winter, has been expended.

At the present time there is approximately 150 linear feet of walk to be completed. The foundation is in and the department attempted to make arrangements with the W. P. A. to complete this walk which can be completed in less than a week. We expect the W. P. A. will honor our request.

Very respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

**BUS LINE, SAVIN HILL STATION-CITY HOSPITAL.**

City of Boston,  
Office of the Mayor, April 17, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the vice president and treasurer of the Boston Elevated Railway Company relative to your order of March 20, 1939, concerning the establishing of a bus line from Savin Hill Station to the City Hospital on Sundays during the regular visiting hours.

Respectfully,  
MAURICE J. TOBIN, Mayor.

—  
Boston Elevated Railway,  
April 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—The trustees considered at their meeting today the request contained in order of the City Council, received with your letter of March 31, for the establishment of a bus line from Savin Hill Station to the City Hospital on Sundays during the regular visiting hours at the hospital.

A bus line is now operated on weekdays between Savin Hill Station and the hospital via Dorchester avenue, Massachusetts avenue and Southampton street, but it would not be sufficiently well patronized on Sundays and holidays to meet operating expenses. In 1936 we experimented with bus service on Sundays between Edward Everett square and the hospital during visiting hours, but were obliged to discontinue it due to lack of patronage.

Residents in the Savin Hill section now have service to the City Hospital on Sundays and holidays via bus line to Andrew square and car line from Andrew square. The running time via this route, without allowance for transfer at Andrew square, is only twelve and one half minutes compared with thirteen minutes on the weekday bus line.

As previous experience has indicated that the requested Sunday bus service would not be self-supporting, and would increase the deficit, the trustees do not feel that its operation can be justified.

Very truly yours,  
EDWARD DANA,  
Vice-President and Treasurer.

Placed on file.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, viz.:

**Claims.**

Michael Barr, for refund on fee paid for building permit.

Edward Bronstein, for compensation for injuries caused by an alleged defect at 294 Huntington avenue.

Alice O. N. Budds, for compensation for injuries caused by an alleged defect at 116 Boylston street.

Max Coleman, for compensation for damage to car by city car.

Winnifred E. Collins, for compensation for damage to car caused by an alleged defect at Massachusetts avenue and Norway street.

John J. Doyle, to be reimbursed for judgment issued against him.

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Mabel N. Farrar, for compensation for injuries caused by an alleged defect at Berkeley and Stuart streets.

William M. Felton, for refund on building permit.  
Minnie Flanzbaum, for compensation for injuries caused by defect in stairway, Norfolk and Mascot streets.

Gerard M. Frawley, for compensation for loss of clothing at Bird Street Gymnasium.

Arthur E. Mayo, to be reimbursed for execution issued against him.

Mary M. Naughton, for compensation for damage to property at 204 Fuller street, caused by shots fired by police officer.

Joseph Neustadt, for compensation for damage to property at 263 Blue Hill avenue, caused by city truck.

Charles M. Pickett, for compensation for damage to property at 414 Amory street, caused by break in water pipe.

John and Bertha Smyth, for compensation for damage to property at 50 Pleasant Hill avenue, caused by negligence of Water Department.

David P. Sullivan, to be reimbursed for judgment issued against him.

David P. Sullivan, to be reimbursed for judgment issued against him.

Redmond L. Walsh, for compensation for damage to car caused by snow and ice from roof of old Young's Hotel.

Gerard L. White, for compensation for injuries caused by an alleged defect in Shawmut avenue.

Mrs. Louis Wisentainer, for compensation for collapse of water boiler at 22 Page street, caused by water being shut off.

Clifford Rideout *et al.*, for compensation for illness caused by escaping sewer gas fumes at 1 Bower park, Roxbury.

**Executive.**

Petitions for children under fifteen years of age to appear at places of public amusements, viz.:

J. C. Williams, Jacob P. Bates Hall, April 14; Gertrude Dolan, Jordan Hall, June 21; Gertrude Dolan, Jordan Hall, June 12; Lulu Philbrook, Lee Auditorium, May 17; Lucille Perry Hall, Jordan Hall, May 22.

**Committee on Jitney Licenses.**

Petition of Oakdale Community Garage Bus Line, for license to operate motor vehicles between Dedham line and Park square, on Spring street, Centre street, Columbus avenue, Stuart street, and Broadway, returning over same route.

**Committee on Ordinances.**

Petitions for driveway openings were received as follows:

Suffolk Savings Bank, East Eighth street, Ward 7; Michael Rizzo, 347 Maverick street, Ward 1; General Baking Company, Ferrin street, Ward 2.

**APPROVAL OF TAX TITLE LOAN.**

Notice was received from the Emergency Finance Board of approval of tax title loan for \$1,500,000.

Placed on file.

**APPOINTMENTS BY THE MAYOR.**

Notices were received of the following appointments by the Mayor:

Designation of William A. Motley, Jr., 22 Glenburnie road, West Roxbury, Democrat, as chairman of Board of Election Commissioners.

Appointment of Frederic E. Dowling, 3 Cambridge terrace, Allston, Republican, as member of Board of Election Commissioners, for term ending March 31, 1943.

Appointment of John J. Walsh, 29 Brainerd road, Brighton, as Principal Assessor, for the term ending March 31, 1944.

REPORT ON HOSPITAL BY FINANCE  
COMMISSION.

The following was received:

City of Boston,  
Finance Commission, April 6, 1939.  
To the Honorable the Mayor and City Council.  
Gentlemen,—In recent weeks the City Council has been greatly agitated over the question as to whether or not the nursing strength of the Boston City Hospital is adequate.

A member of the Council provoked a spirited discussion which may result in public good when he made charges that there are not enough nurses and that the present staff of nurses is overworked. He further charged that as a result of this inadequacy in nursing strength individual nurses have collapsed from overwork and patient care has suffered.

Other members of the Council made counter-argument that there are plenty of nurses at the institution to supply the patient care that is justifiable. As proof of this claim little was offered in Council except that it was pointed out that the Boston City Hospital still ranks among the best hospitals in the country. Charges made at the same time in respect to the cleanliness of the hospital and inelegance of some nurses' rooms have already been substantially refuted.

While it cannot be said that the participants on either side of this dispute in the City Council have expert knowledge of conditions at this hospital or of required administration at any hospital, their freely offered opinions have been given wide circulation. It is well known that hospital executives have inspired both the offensive and the defensive sides of the argument.

The very prominence and standing of the Boston City Hospital which, the Finance Commission agrees, ranks among the best in the country has served to focus the attention not only of the medical and surgical fraternity on the dispute, but of hospital administrators everywhere. It has greater than ordinary significance, because other hospitals are suffering to some extent from similar agitations, and the hospital world is fearful of results if present efforts to organize workers into one big organization extend so far as to include hospital workers. Strikes have already occurred in some hospitals.

It happens that there is in existence even now an organization drive at the Boston City Hospital. This drive is in a way related to the present agitation among the nurses. It has given the hospital authorities grave concern as to the eventual outcome. The hospital employees have become organized as a Boston City Hospital Employees Association. The association originally became incorporated as a social organization, but its present trend is toward a much more serious objective. It embraces a large percentage of the employee staff.

The organization has become a political power; it has an official publication which frequently expresses resentment at administration measures adopted by the trustees and superintendent, and threatens investigators of all kinds and has picked out for special mention Finance Commission investigators.

One of the leading spirits, a subordinate in minor capacity, defied the superintendent for a year and refused to obey orders given to him by the superintendent on the authority of the trustees.

The hospital executives are in fear that the employees may, as they grow stronger in organization, with outside political help, assume the right to dictate to the trustees in matters of administration.

Until recently the nurses remained aloof from this organization, but as a result of the constant agitation of the officers and, to some extent, of dissatisfaction among nurses with present conditions, 90 per cent of the nurses have joined. The executives in charge of the hospital had no previous warning that the nurses intended to cast their lot with the porters, ward maids, kitchen employees, ambulance drivers, laundry help, etc.

On the determination of the primary question as to whether or not more nurses are necessary depends the future policy at the City Hospital in respect to hours of service, division of time of service between classroom work and ward work, extent of classroom work, whether or not the City Hospital is to continue to be used by hospitals of other communities of less medical repute as a modified medical school for the education of their

nurses, and whether or not the graduates of this City Hospital School for Nursing are to be certified by the state authorities to practice as registered nurses.

In the welter of opinion offered in the dispute over the merits of the nursing situation, the chief administrators of the City Hospital have not been of any great help. They are not in agreement themselves on the facts in the situation.

Meanwhile many, including your Honor and the members of the Council, must be in a quandary as to the proper allotments of funds for the City Hospital.

The trustees, who are the responsible authority under the statute, have said that more nurses are needed. On the other hand, their executive officer,—the superintendent,—upon whom they have placed the burden of actual administration, has stood firm in his contention that there are nurses enough there now. Another authority, the Superintendent of Nurses, to whom has been delegated the task of organizing and training the nursing strength, left no doubt in the minds of those who heard her at a City Council hearing that she believes many more nurses are necessary.

In this situation, with the executive authority at the hospital divided on the question, the Finance Commission has sought advice from executives in other hospitals of high repute, from leading organizations within the nursing profession, and from state authorities in Massachusetts and in New York having jurisdiction over the medical and nursing practice.

Limitations of Boston City Hospital.

At the outset it should be recognized that unlike the situation in many private and semi-public hospitals, receipts for treatment or private contributions to the Boston City Hospital are not substantial in comparison with the cost of operation. Actually in 1938 the revenue of the hospital amounted to \$272,537. In the same year there was spent for operation, exclusive of the Sanatorium, \$3,322,798, which was more than ten times the amount of its revenue. Some conditions at the City Hospital with respect to service and hours and wages must, therefore, be different from those in hospitals which are nearer self-supporting.

The Boston City Hospital is a public hospital. It has been the unchanged authorization of the Legislature since the original creation of the hospital by Act of 1858 "to erect, establish and maintain a hospital for the reception of persons *who, by misfortune or poverty, may require relief during temporary sickness.*"

The Finance Commission has previously argued that the treatment at the Boston City Hospital was intended by the Legislature to be gratis but for a limited class—the poor and persons, not poor, but suddenly stricken by accident or collapse and unable otherwise to obtain emergency treatment.

Expansions of Hospital Service Beyond Legal Limitation.

It is needless now for the Commission to dwell at great length on the many ways in which the administrators have expanded the hospital service beyond the scope of the statutory authorization. When previously the commission has done so neither the hospital authorities nor the public apparently were shocked into action intended to bring the hospital activities within the law.

The Finance Commission recognizes that the expansions beyond the authorized scope were attributable partly to public demand and partly to private interest of the medical world. It just did not happen that legislative authority was sought as the hospital enlarged to make provision for paying patients, chronic cases, patients from outside Boston and even outside Massachusetts.

The commission believes, however, that it is important to emphasize that the continued rising cost of maintenance is due as much to the expansion of the hospital facilities beyond the legal authorization as to any other cause. The present mix-up in the nursing situation is due to one of these periodical expansions.

The City Hospital, like most large hospitals, depends for a substantial part of its nursing service on work performed by student nurses during their period of training. The courses of study and practice provided for such students must, however, have matched certain standard requirements to make it possible for the students on graduation to obtain

certificates from the established certification boards in the various states entitling them to practice as registered nurses.

**Complaint of Poor Education of Nurses.**

Persistent and long-continued political interference with appointments to the hospital force (see Finance Commission report of June 28, 1935) eventually brought about a serious situation in the nursing school in 1936-37. The Board of Registration of Nurses in Massachusetts and the State Board of Nurse Examiners in New York—the respective certification boards for the two states—gave final warning to the City Hospital authorities that the product of the hospital nursing school was not sufficiently trained and educated to warrant certification as graduate or registered nurse, and unless the training was improved both boards would decline to certify the City Hospital Training School nurses on graduation.

The specific complaints of both certification boards were substantially identical. Stated briefly, the principal points made in written report by the New York Board were:

1. The teachers in the school were not well enough educated themselves to teach students.
2. The students were not given enough classroom instruction.
3. There was not enough supervision of students.
4. The ratio of nurses to patients was less than the required minimum.
5. Night duty assignments were too long.
6. Suitable records were lacking.

**Steps Taken by Trustees to Improve Nursing.**

With the threat of refusal to certify hanging over the hospital school which, if carried out, would seriously cripple the hospital's nursing service, the trustees and superintendent set about immediately to improve the situation. They decided to obtain, first of all, for the position of Superintendent of Nurses, a person capable of putting the school on the level required by the States' Boards. They canvassed the field very thoroughly, interviewed the deans of the nursing schools at Yale and Columbia, officers of state nursing boards and nurses' organizations.

The supervisor of approved schools of nursing of the Massachusetts Board was among the first to be offered the place, but she declined the appointment. This fact definitely sets at rest the point made by some that the criticism of the nursing school by the State Board executives was due to the failure of its supervisor to obtain the position of Superintendent of Nurses. Many others were also offered the position, but declined the appointment.

In almost every case the refusals were due to the belief among interested groups that the hospital

was too political, that the successful operation of the school was hamstrung by politicians who forced appointment of girls to the training school lacking important requirements, and that there was no security in the position for continued tenure by an executive who insisted on acceptance only of the right kind of students.

Eventually, after many others had declined the appointment the hospital authorities brought the present incumbent from Canada to take the position on the recommendation of the executives of the National League of Nursing Education in New York. The technical ability of the present incumbent to perform the task assigned to her is unquestioned. The superintendent is a graduate nurse who has been identified with the nursing profession in various hospitals and capacities for approximately forty years. She has been president of the National League of Nursing Education in New York and was for several years a director of the organization.

The hospital authorities placed this new incumbent on a higher plane in executive direction of hospital service than had been the lot of her predecessors. Given the title of Director of the Nursing School, she was told she could have assurance of support in whatever she determined to be necessary to raise the standards of the school. The trustees built up the importance of her position by raising the salary from \$2,900 to \$4,000, and gave her, in addition, a comfortable modern apartment in which to live. They provided her with executive assistants and teachers of her own choosing and set them up in salary and living quarters on a higher plane than had been the custom previously.

The new superintendent or director first presented the trustees with her idea of what was necessary to raise the standard of the nursing school when she submitted estimates of financial needs for the year 1938. Her program envisioned improvement in living conditions, more nurses, and more executive assistants, and a greatly improved and enriched curriculum for the students. It was estimated that the additional cost would be \$600,000. Part of this was due to additional service on account of the newly opened surgical unit, the Dowling Building.

**The Volume of Work Performed by the Hospital.**

In order to appreciate the task facing the new superintendent in September, 1937, when she took over direction of the nursing force and nursing school, the amount of the service at the time and the cost is important. It is herewith given, first, as the trustees have reported it on an annual basis. Comparison is offered with earlier and later years so that the relation of the 1937 condition to other years may be understood.

**HOSPITAL DEPARTMENT.**  
(Exclusive of Sanatorium.)

YEAR.	Daily Average Number of Patients, Except Out-Patients.	Total Number of Persons Treated by Hospital, Including Out-Patients.	Total Maintenance Charges.	Total Revenue.
1929.....	1,147.3	145,873	\$2,612,369 44	\$203,968 76
1930.....	1,251.0	169,760	2,898,362 15	208,087 53
1931.....	1,403.1	158,863	3,157,641 82	198,631 08
1932.....	1,468.4	173,080	2,931,998 26	164,213 17
1933.....	1,635.4	187,743	2,829,302 79	167,600 30
1934.....	1,400.9	177,284	2,983,067 30	166,164 22
1935.....	1,386.3	177,763	3,282,120 69	186,236 85
1936.....	1,353.5	171,720	3,167,499 37	175,467 22
1937.....	1,365.7	173,529	3,325,199 74	218,529 74
1938.....	1,430.0	147,523	3,322,798 68	272,537 10

Another comparison showing to some extent the efficiency of the treatment rendered in those years is illuminating.

HOSPITAL DEPARTMENT.  
(Exclusive of Sanatorium.)

YEAR.	Patients Admitted to Hospital and Treated During Year.	Deaths After 48 Hours of Admission.	Mortality Rate, Excluding Deaths Within 48 Hours of Admission.
1929.....	28,786	1,219	4.4
1930.....	32,709	1,323	4.0
1931.....	35,635	1,438	4.0
1932.....	41,261	1,724	4.1
1933.....	43,497	1,682	3.8
1934.....	42,871	1,767	4.0
1935.....	42,479	1,687	3.9
1936.....	41,104	1,830	4.4
1937.....	42,312	1,891	4.4
1938.....	44,066	1,882	4.2

These figures indicate a large hospital, normally treating over 40,000 bed-patients and over 100,000 out-patients annually. The striking feature of the comparison lies in the figures for 1933. That was the year when the hardships of the depression period were at about the crest. In that year the daily average number of ward patients was the highest for the ten-year period compared. The total number of persons treated in the hospital, including the Out-Patient Department, was the largest number of any year in the ten. In only one other year of the ten was the cost of operation as low or lower than in 1933. The 1933 cost was \$210,000 more than the 1929, but \$500,000 less than the 1938 cost. The average number of patients treated did not match these variations. The daily average number of patients was only 1,147.3 in 1929, rose to 1,635.4 in 1933, but fell back to 1,430 in 1938. The death rate, on the other hand, in 1933 was at the lowest level of the whole period. If per patient cost and death rate are a measure of a hospital's efficiency and of the efficacy of treatment provided, it would seem that the nursing service in 1933 was adequate.

When this record was accomplished in 1933 the number of nurses, according to the best figures obtainable, was approximately 508. The ratio of nurses to patients at that time was approximately 1 nurse to 3.2 patients.

Increase in Provisions for Nurses Under  
New Superintendent.

In 1937, previous to the advent of the new Superintendent of Nurses, the number of nurses was approximately 525. The ratio of nurses to patients was approximately 1 to 2.6. In February, 1938, the number of nurses had risen to 655. The ratio of nurses to patients was 1 to 2.2. On February 11, 1939, the number of nurses had become 689. The ratio of nurses to patients on that day was 1 nurse to 2.1 patients. The death rate was lowest when the ratio of nurses to patients indicated the least generous supply of nurses. It was 3.8 in 1933 when there was a nurse for 3.2 patients and it was 4.4 in 1938 when there was a nurse for 2.2 patients.

The ratio of student nurses to graduate nurses in the hospital on February 19, 1938, was 365 student nurses—approximately one half of whom were affiliated nurses, so called, *i. e.*, nurses in training in other hospitals temporarily assigned for education in special subjects to the Boston Hospital—to 284 graduate nurses. On February 18, 1939, the ratio was 401 student nurses to 279 graduate nurses.

The number of members in the nursing school assigned to executive direction or supervision has likewise increased. When the present Superintendent of Nurses took office in 1937 there were ten known as executive nurses and twenty known as supervisors. In 1938 the number of executives increased to fourteen, and the number of supervisors to twenty-six. In 1939 the number of executives is fourteen, and the number of supervisors twenty-seven. In other words, the staff directing the student and graduate nurses increased from thirty to forty-one.

Technicians in hospital surveys do not accept the ratio of nurses to patients as the conclusive measure of required nursing service. Nor do they admit death rate figures alone rate the efficiency of the hospital. They point out that some cases require more care than others, and that fact upsets the calculations.

Nevertheless, it is worth something in the present dispute that the net result of the treatment at the hospital was better in 1933, when the hospital population was larger and the number of nurses was smaller than it was in 1938. Obviously, it cannot be accepted that it is a matter of the number of nurses at the hospital at present that is responsible if patient care has suffered.

It has been suggested that the impression that there are too few nurses is more due to the assignment of the number on the staff, than to the actual number. In order to determine this, the Finance Commission has obtained the standard requirements of the State Board.

This Board has ruled that to be eligible for certification the student must have had a minimum of thirty months of practical nursing in every nurse-training period of thirty-six months. This left a maximum of six months for classroom work.

During the major part of 1938 the first year student nurses at the Boston City Hospital were assigned to classroom work for approximately nine months. Previously, the classroom work lasted only five months. Since the above comparison of nursing strength over a period of years reveals that extra nursing time was provided for in the 1938 allotment for nurses, therefore, it is obvious that the extra time was taken up in extra classroom work for the new students, not in providing more care of patients.

Because of specific complaint by the State Board the nine-month period of classroom work has recently been shortened to six months. There is objection by technical advisers of the Finance Commission that it is not customary in other hospitals to spend the whole of the first six-month period in classroom work. Assignment of the student nurses to ward work at an earlier date would add much to the present patient care.

Classroom Instruction.

The classroom instruction and the hours of it required in the curriculum of the new nursing school are not in accordance with national standards and other hospital practices; and, come what may in the matter of the need for more service in the wards, the nursing school executives will let nothing interfere with the prescribed number of hours in the classroom. For instance when the hospital load increased beyond all previous experience in February and March of this year, due to the great number of persons suffering from respiratory sickness, the school executives refused to suspend classes for a minute to permit the students to help in meeting the extra need for nursing service. As an illustration of the excessive amount of time spent by City Hospital students in classroom work, there is offered a comparison of the number of hours required on specific subjects.



COMPARATIVE TABULATION OF PART OF THE REQUIRED CURRICULUM WITH HOURS STIPULATED.

(All Studies Here Listed are Taken by Students in Preliminary Period.)

	Recommendations of the National League of Nursing Education of New York City.	Boston City Hospital.	Boston Children's Hospital.	Massachusetts General Hospital.	Peter Bent Brigham Hospital.	Deaconess Hospital.	Worcester City Hospital.	Cooley Dickinson Hospital of Northampton.	Massachusetts Memorial Hospitals.
Anatomy and physiology.....	90-105	142	112	90	90	112	90	110	90
Bacteriology.....	45-60	52	80	40	45	80	45	45	45
Chemistry.....	80-90	91	80	30	45	80	45	45	48
Psychology.....	30	50	32	15	16	30	30	30	—
Sociology.....	30	51	—	8	—	30	—	—	—
Nursing arts.....	135	106	175	272	250	150	180	162	200

Technical advisers of the commission point to the variations in the City Hospital school from practices elsewhere as evidence that the City Hospital school is giving more higher education on medical subjects but less education in practical nursing than is the custom in comparable institutions.

Extra Cost of Present Policies.

Providing for this higher education is not done without extra expense. The teacher nurse brought into the organization by the present superintendent were additions to the pay roll. Though they supplanted others in authority and were given higher pay and more expensive living, the others are still on the pay roll at the rate they received when they exercised the authority and performed the duties of teachers. Also, it has required a larger number of graduate nurses who are paid \$1,200 per year to give the service necessary.

In further addition to the pay roll cost, the present superintendent has supplemented the new teaching force she added to the pay roll by making contract with Boston University Medical School to give courses to the hospital students in the classrooms and laboratories of the medical school. The cost of this extra instruction is a growing one, having started in 1938 at \$4,649 and now, in 1939, going to \$5,506. An important consideration is that this outside instruction keeps the students off the wards by the amount of time spent in taking these courses outside the hospital.

In the eight leading hospitals compared in the foregoing table only the Boston City Hospital pays a salary to students while training. The salary is not large, being \$90 the first year, \$150 the second year and \$200 the third year; but it makes striking contrast with the fact that in seven others no salary is paid, and in four of the seven tuition is charged each student.

Hours of Duty of Nurses.

The length of time that nurses are required to be on duty has entered the present discussion. The Superintendent of the City Hospital Nurses claims that it is inhuman and not conducive to good service to require the nurses, particularly the student nurses, to work the long hours required by present hospital financial limitations.

Elsewhere, generally, the eight-hour day for all nurses (student and graduate) is not yet in operation. This is particularly true of public hospitals. In the City Hospital all employees, except some executives and the nurses, are on an eight-hour, or shorter, day basis. It would seem that the relative importance in a hospital of the work of the nurses would dictate the best conditions of employment for them rather than the poorest.

Graduate Nurses Duty Hours.

It is not easy to state flatly the number of hours per day required of nurses at the Boston hospital. For instance, the time of the graduate nurses on day duty is divided into segments of fourteen days. The length of the working day is nine hours. The nurse has one day of nine hours off in the fourteen-day period, on each of two other days receives four hours off, and on Sunday one hour off. This means that the graduate nurse on day duty works approximately a fifty-four-hour week. It is called in the hospital a fifty-four-hour week.

The head nurse on the day shift is on an eight-hour basis.

The time of the graduate nurse on night duty is divided into periods of seven days' service. The length of the night shift is eleven hours. One night off in seven is allowed. The net time on duty, therefore, is approximately sixty-six hours. It is called a sixty-six-hour per week shift in the hospital.

In New York City hospitals all nurses are on an eight-hour basis. In most local hospitals student nurses are on an eight hour per day basis, but the best information obtainable by the Finance Commission is that in most local hospitals graduate nurses average fifty-four hours per week, day or night duty.

In other words, therefore, the graduate nurses on the day shift in the Boston Hospital are working about the same length of time as are the graduate nurses in most local hospitals,—fifty-four hours per week—but the graduate nurses on the night shift in the Boston Hospital are working twelve hours per week longer—sixty-six hours against fifty-four in most local hospitals.

Student Nurses Duty Hours.

To state here the hours of duty of student nurses, it is necessary to have it understood what is meant by duty. It seems fair for the purposes of this report to assume that the number of hours of the students' time required to be given to their training is their hours of duty.

Student nurses give their whole duty time to classroom work and study for the first six weeks. After that six weeks, and until the end of the probationary period of six months, they give eleven hours per week to ward work of a non-technical nature. During the period when they are giving eleven hours to ward work, they attend daily classes, but the number of hours spent in class and in preparation for class varies from day to day. The number of the hours of duty in the first six months is therefore indefinite.

After having served this probationary period of six months, a student nurse is assigned either to day duty or night duty. If the assignment

is to day duty, the amount of time required in the wards is fifty-nine hours per week. To this is added four to six hours in classroom, and it is estimated that approximately twelve more hours of study time is required. Summed up, this means that when the student is assigned to day duty a total of seventy-five to seventy-seven hours per week of the student's time is required by the hospital to be devoted to the work of training.

If the student happens to be assigned to night duty the hours required are as follows: For ward work, seventy-seven hours; for classes, four to six hours; for study, twelve hours. Summed up, this makes ninety-five hours per week.

There are few if any other hospitals which require for student nurses so many hours of ward duty plus class and study duty. Generally, in other hospitals, the hours for ward and classroom work for students are limited to forty-eight hours per week. Representatives of the national nursing organizations and the state boards agree that it is too much to expect more than that from the young girls who are usually the student nurses.

#### Objection of Superintendent in respect to Hours of Nurses Duty.

The present Superintendent of Nurses desires to reduce the number of working hours of the graduate nurses from the present fifty-four-hour week for day nurses and the sixty-six-hour week for night nurses to forty-eight hours for each; and the superintendent desires to reduce the hours of the student nurses in ward work from the fifty-nine hours now required of these on day assignment and the seventy-seven hours of those on night assignment to a flat forty-four hours per week.

How this innovation will affect the Boston hospital costs should be understood.

#### Cost of Giving Shorter Hours.

The latest estimate available of the Superintendent of Nurses is that to give the forty-four-hour week to student nurses day and night will require the employment of 106.8 additional graduate nurses at \$1,200 per year, or a yearly cost in salary of \$128,160. To give the graduate nurses the forty-eight-hour week will require the employment of twenty-one additional graduate nurses at \$1,200 per year, or a yearly cost of \$25,200 in salary. The total additional salary cost for both groups, therefore, will be \$153,360.

In other words, the plan of the superintendent is to make up the deficiency in nursing service that will result from shortening the hours of the nurses, both student and graduate, by the employment of more graduate nurses.

#### Affiliated Nurses.

The City Hospital accepts nurses in the training school from other hospitals and gives them instruction in courses not available to them in their own hospitals. These nurses are designated as affiliated nurses.

Among the affiliated hospitals are many state institutions, like Medfield, Danvers, and Westboro, which are principally mental disease hospitals; some county institutions, like Franklin County Public Hospital; and many public or semi-public municipal or sectional hospitals which offer general treatment, but in some branches have not the facilities or the number of cases to provide study and experience for their nurses sufficient to enable them to meet the registration or certification requirements of state boards. Among the affiliated hospitals from which the Boston City Hospital now takes nurses for training in special subjects are one from Rhode Island and one from Vermont.

The City Hospital authorities claim that the acceptable among the applicants for the Boston Hospital School are fewer than are necessary to operate the school. Therefore, they must augment the service their own pupils give by the service obtainable from these affiliated nurses.

The admission requirements of applicants at the affiliated hospitals in many instances, particularly the public institutions, are not so rigid as are the requirements at the Boston City Hospital. Therefore, it is very possible that under present rigid standards the City Hospital school will admit a pupil from an affiliated school whose application would have been rejected if made originally to the Boston school.

These affiliated nurses train at the Boston school for sometimes three months, six months, nine months, one year, or fifteen months, according to the courses taken and sometimes for particular reasons.

At the present time the Boston Hospital nurses obtain all their training in the Boston Hospital. Arrangements are being made, however, to send some for special training to a Rhode Island school in 1940.

While these affiliated nurses are attached to the Boston school, they give the hours of service required of the class to which they are assigned. It is usually either fifty-nine hours on the wards in day service, or seventy-seven hours on the wards in night service.

The high standards which a prospective student in the Boston school now must meet of necessity cause many potential candidates either to be turned away or to decide to seek training elsewhere. The loftiness of the courses given is beyond their ability. This automatically reduces the supply of acceptable applicants, and makes it necessary to receive students from affiliated hospitals.

#### Conclusions.

The Finance Commission has attempted to keep personalities out of the foregoing discussion. Yet it is necessary to state at the outset that the present situation is due entirely to the unwillingness of the Superintendent of Nurses to be satisfied with a school that would meet the exact requirements and nothing more. The commission is of opinion that the superintendent could claim, with a measure of justification, that what has been done in the nursing school has been within the broad license given by the trustees when they commissioned her, without specific limitation, to raise the standards of the school for nursing. Although it is undoubtedly true that the trustees never defined the limitations for the school, having in mind the financial ability of the city to pay as well as the exact need to produce good nursing, yet, obviously, the trustees had no intention to permit creation of more than a school that would meet the state requirements and eliminate the criticisms made by the States' Boards.

The obvious result of the enriched curriculum at the hospital is that the product of the nursing school will come out better educated in respect to sickness and disease. It is a matter of opinion on which experts are not agreed as to whether the product will be as good as the art of nursing.

This raises the question as to whether graduates of the City Hospital Nursing School are to come out as assistant doctors or as assistants to doctors in nursing patients. With the present emphasis on the higher education of the students and the lessening that naturally follows of practice in actual nursing, it is not illogical to expect that a new type of hospital employee must be developed. That new type will be an assistant nurse, an employee who will perform the service that the higher-educated student will not have time, inclination or experience to perform. This will add heavily to present hospital costs.

Then comes the question as to whether the purpose of the nursing school is to provide nursing service for the hospital or to become primarily and wholly a university school for the training and education of nurses, simply using the City Hospital as the workshop, with the taxpayers paying for the education of the students and even paying them for the time spent in learning a profession. To carry out this plan will require the hire of other employees to give adequate nursing.

To give the student nurses at the City Hospital the best training possible and under the best conditions possible is a laudable ambition. There is no doubt that this is the motive which has actuated the present Director of the Nursing School in everything she has done since she took over control in 1937. However, it must not be forgotten that it is difficult at the present time to give sufficient funds for that purpose. As has been stated, under present authorization, the primary purpose of the institution is to provide treatment for the sick poor of Boston. Adequate training of the nurses is, of course, an important consideration, and necessary to good nursing; but the primary purpose of the hospital—providing treatment for the sick—must come first.

There is no doubt that a good training school helps the hospital, and is even necessary; but it would appear that a good training school can be

conducted, and adequate nursing can be provided, without going to the extreme of establishing a university school for nursing.

If times were better, tax rates lower and taxpayers were not so pressed in other directions, the city undoubtedly would be satisfied with nothing short of the best in this respect. Unfortunately, however, the cost of government has reached such a height that curtailment is a necessity in many branches of service. It is, therefore, not a time for the City Hospital to give more than needed good service.

Student nurses can be trained and directed while in school to give good nursing service. It is not necessary to rely mainly on graduate nurses. Plenty of recruits for the school can be obtained if, in setting standards for acceptance of recruits, the objective is to obtain students who will make good nurses, not particularly students who can absorb a university training. As stated, many prospective students now are rejected because, in the opinion of the school executives, they are not of the university type, and many others are dropped from the school after once being admitted because they cannot absorb the university training given them.

It would seem, therefore, that the requirements of the school should be lightened to permit more students to enter; that the course of instruction should be changed so as to remove a little of the present emphasis on medical instruction, and to give more practice and instruction in the nursing arts; and that the curriculum be made sufficiently flexible to permit the assignment of more students to ward work at the period in the year when the hospital is carrying its peak load of patients.

The comment has been made to the Finance Commission by competent authority that the courses now given to nursing students in the Boston University Medical School are more for prospective physicians than for prospective nurses.

Student nurses, even though paid a small stipend and given free education and training, are much less expensive than graduate nurses.

The present financial difficulty of the city would seem to dictate greater reliance in actual nursing on the student force, having in mind, of course, enough graduate nurses to supervise the students and to supplement the service of the students to the degree necessary.

On the matter of the hours of service, it does not seem reasonable to expect to obtain good service from students who are required to give the number of hours required of them at present. The nurses perform the principal task for which the hospital was established—providing patient care. No one can defend a seventy-seven or ninety-five hour week for student nurses in an institution which exacts only forty-eight hours' labor from porters, ward maids, laundry employees, etc.

As regards the hours of employment of the graduate nurses, it does not appear that those on day duty are overburdened by the requirement of fifty-four hours per week service. With some exceptions, it is the prevailing custom in comparable hospitals. On the other hand, a sixty-six hour week for graduate nurses on night duty is considered an imposition by most hospital and nurse executives.

To give the graduate nurses on night duty the same length of duty hours as is given those on day duty can be accomplished without necessarily adding to their number. One means suggested to the Finance Commission is to reduce the number of graduate nurses on day duty and assign more to night duty, and to make up the deficiency in the day force by the use of student nurses more in practical nursing on the wards and less in classroom activities. More Boston City Hospital students and fewer from affiliated hospitals will give an extra lift, inasmuch as there is more freedom in the assignment of City Hospital students. This will also tend to correct what many now consider the inadequacy of experienced nurse service at night.

Number of student nurses now in particular wards varies as other hospitals want particular courses for their students. The result is that at times some wards are over-supplied. Competent authority has informed the Finance Commission that the contagious wards are more often than not too heavily nurse-manned, while the maternity wards are too thinly nurse-manned.

As previously stated, Finance Commission representatives have consulted many having

expert knowledge of hospital management concerning the nursing situation at the City Hospital. It seems to be the general opinion among them that the present assignment of nurses, which is based more on a desire to educate nurses than a desire to provide nursing service, gives the appearance of too few nurses, when—as a matter of fact—there is a plenty of nurses provided for in the funds appropriated for the hospital.

The commission is of opinion, therefore, that readjustment of the present policies of the school so as to bring student training into line with needed service and present financial limitations is the present task of the trustees and superintendent. The institution should continue to give service as simply a hospital.

The Finance Commission believes it is timely in this report to go a little beyond the immediate issue of the adequacy of the nursing force at the City Hospital, and to make some observations in regard to the accomplishments of the hospital under trying circumstances.

Among all who have had occasion to become acquainted with the work of the Boston City Hospital, and particularly among those who by professional training might be considered expert in knowledge of hospital care of the sick, the Boston City Hospital is regarded as second to none anywhere. It is the consensus of informed opinion that the City Hospital performs a public service that is nowhere matched by that of any other hospital.

Public hospitals operated by a municipality are a rarity. A very few, like New York City, have them; but for the most part general hospital care of the sick, where it exists, is left to private or semi-private auspices. The Boston City Hospital gives service even beyond so-called hospital care.

With the assistance, financial and otherwise, of leading medical schools, it has earned high reputation internationally for its accomplishments in medical research. The volume and importance of its contributions to medical science are without parallel in a single hospital. It is prepared for and regularly treats all types of human physical ailments. It is a common occurrence for the Boston City Hospital to take in cases of human suffering which other hospitals have given up trying to ameliorate and to restore the sufferers to physically comfortable living.

In this period of the last two years when the number of its nursing strength has been questioned, it has made records in successful treatment of sickness never equalled anywhere else. In a period of twenty-two months it has not lost a diphtheria case by death.

Within its walls the best medical and nursing care known to science is given to women in childbirth. This service includes pre-natal as well as post-natal care and supervision. Unable to find room in hospital beds for all the prospective mothers who come to its doors to be delivered, the City Hospital, with the cooperation and assistance of the Community Nursing Association and the Boston Lying-In Hospital,—one of the best of its kind in the world,—now regularly gives a service in childbirth to mothers in their homes that in so far as pertains to medical and nursing service is the equal of any that money can buy or science suggest.

During 1938 the total admissions to the maternity division were 3,580 and the total deliveries were 3,320. The infant mortality rate was 6.1. When the still births and premature infant deaths are deducted, the net mortality rate is 3.3. This unquestionably places this service of the Boston City Hospital at the top among the ranking services of this nature in the world.

Out of this 3,580 admissions, the maternal deaths totaled only ten,—a ratio of less than three tenths of one per cent,—a record which is better than any clinic of its kind in the country.

The Out-Patient Department has in continuous operation thirty-nine separate clinics to which 405,721 visits by patients were made in 1938. The nose and throat clinic, the largest of the thirty-nine, alone treated 15,710 persons. This gives indication of the great number of persons with serious ailments treated without becoming bed-patients of the hospital.

So successful has been the research work in treatment of pneumonia that from July 1, 1938, through March 15, 1939, of 342 cases treated, only fifty-six died, or 16 per cent. Of these 342, approximately 30 per cent, or 101, were affected by a poisoned blood stream in addition to their

pneumonia. The City Hospital pneumonia patients are in a much more weakened and disease-ravaged condition when first brought to the hospital than is the situation with cases in private hospitals.

The Research Center, known as the Thorndike Laboratory, is well known to the medical world at large. Its facilities are ever at the disposal of Boston's sick. Some of the world's greatest medical discoveries are due to the research work of this laboratory.

The Mallory Institute of Pathology, a division of the hospital, and named after one of the foremost pathologists of all time, who has served at the hospital for a lifetime, has trained many of the country's leading pathologists and medical examiners.

Doctors trained in the Boston City Hospital are the envy of the medical world and their services eagerly sought by institutions everywhere.

Proper appreciation of the precious value of this Boston institution, therefore, would seem to dictate that the operation and management of the hospital should be left to those in whom the law has vested the authority, and that suggestions for changes in its operative efforts and criticism be confined to those who have some expertness in hospital work.

The hospital employs more than 2,000 people. There are upwards of a quarter of a million passing through its doors every year either for treatment or in regard to treatment of themselves or others. All, even the employees, are not capable of realizing the aims or of appreciating the practices of the hospital; and yet it is not surprising that there are some among this vast number who are ready and willing to find fault publicly, or to whom it does not occur that the hospital administrators are more anxious than any others to remove cause of justifiable criticism.

It has become the habit for many to complain from time to time to City Councilors of claimed irregularities, poor conditions, of food, of pay, of hours of labor, etc. Unfortunately at times these complaints have been publicly aired in Council meetings before investigation.

Fortunately, the medical reputation of the hospital has been unharmed by these periodical outbursts. Every one of them, however, makes it harder for the appointed executives to carry on the work of the hospital in orderly comfort. Many employees, unable to understand and appreciate the motives of the administrators, or unwilling to submerge their own interests in the general good of all, have found a haven in the City Council from which they could inspire attacks on their hospital superiors. As a result much time and thought of hospital administrators that might have been given more profitably to worthwhile hospital service is taken up in petty controversies.

By act of the Legislature of 1885, the hands of the City Councilors were taken off the management of the City Hospital. By the charter amendments of 1909, the City Councilors were prohibited from interference with the executive or administrative business of the City Hospital. On several occasions, over a long period of years, the Corporation Counsel has interpreted the statutes in this way to the City Council.

It would seem, therefore, that the part of wisdom, decency and good conscience would dictate that the City Councilors leave management of the hospital to the legal officers of the hospital, beyond the unquestioned right of the Council to make suitable inquiry as a guide in determination of whether or not the appropriation recommended by the Mayor for hospital maintenance can be reduced.

It is to the credit of Mayor Tobin that he has given every encouragement to continuance of the work of the hospital on the highest medical plane.

Respectfully submitted,

DAVIS LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCOLPONETTI,  
JAMES H. FLANAGAN,  
The Finance Commission.

Placed on file.

Coun. KERRIGAN in the chair.

PARTIAL REPORT OF COMMITTEE  
ON APPROPRIATIONS.

Coun CHASE, for the Committee on Appropriations, submitted the following:

In consequence of a communication from the City Auditor this committee has been informed that, according to the records of his office, the limit of expenditures prior to the adoption of the annual budget as fixed under chapter 320 of the Acts of 1889 has been reached by the *City Record*, and no further funds in this division for salaries or other payments can be approved until there has been an additional appropriation by the City Council for this purpose. This committee is further informed that the following departments will in all probability reach the limit of expenditures on or about the 25th of the current month:

- Assessing.
- Budget.
- Board of Appeal.
- Board of Examiners.
- Collecting.
- Public Welfare, Central Office.
- Soldiers' Relief.
- Street Laying-Out.
- Treasury.
- Suffolk County Courthouse, Custodian.
- Superior Court, Criminal Session.
- Associate Medical Examiner Service, Northern Division.

While your committee is desirous of continuing its program of detailed scrutiny of the current budget it is not desirous of working any inconvenience or hardship upon city employees or those entitled to welfare aid or soldiers' relief under the provisions of law.

The committee hereby recommends the accompanying appropriation orders for your consideration. The amounts recommended should be sufficient in the respective departments and in the particular items until the latter part of June. The committee is desirous of pointing out that adoption of the inclosed appropriation orders will in no way affect the policy of the Committee on Appropriations with regard to its final recommendations nor the authority of the City Council to take whatever action it may deem proper so to do on the budget for 1939 taken as a whole.

Respectfully,

PERLIE DYAR CHASE,  
Chairman,  
Committee on Appropriations.

Ordered, That the sum of \$5,685,478.91 be, and hereby is, appropriated, to be expended as herein-after specified, said amount to be met by taxes or other income; and that all orders hereafter passed by the City Council relating to appropriations, taxes and the interest thereon apply to the appropriations and taxes herein provided for.

CITY DEPARTMENTS.	
Assessing.	
A. Personal Service . . . . .	\$141,441 17
Budget.	
A. Personal Service . . . . .	\$6,600 00
Board of Appeal.	
A. Personal Service . . . . .	\$5,850 00
Board of Examiners.	
A. Personal Service . . . . .	\$2,150 00
Collecting.	
A. Personal Service . . . . .	\$56,501 14
Public Welfare, Central Office.	
A. Personal Service . . . . .	\$339,000 00
F. Special Items . . . . .	4,427,500 00
	<u>\$4,766,500 00</u>
Soldiers' Relief.	
A. Personal Service . . . . .	\$39,331 76
F. Special Items . . . . .	296,500 00
	<u>\$335,831 76</u>
Street Laying-Out.	
A. Personal Service . . . . .	\$79,544 43

Treasury.	
A. Personal Service .....	<u>\$28,177 40</u>
COUNTY DEPARTMENTS.	
Suffolk County Courthouse, Custodian.	
A. Personal Service .....	<u>\$122,311 00</u>
Superior Court, Criminal Session.	
A. Personal Service .....	<u>\$139,872 01</u>
Associate Medical Examiner Service, Northern Division.	
A. Personal Service .....	<u>\$700 00</u>
Total .....	<u>\$5,685,478 91</u>

Ordered, That the sum of \$3,700 be, and hereby is, appropriated for the *City Record*, Publication of, Item A, Personal Service, said appropriation to be met by the income of said publication and any excess over income from taxes.

The report was accepted and the question came on the passage of the order.

Coun. WILSON—Mr. President, I want to have my mind very clear on just what we are doing at the present time. As I understand it, after a rather questionable success in trying to hear across the hall just what was said, if we pass this particular section of the budget, the committee and the Council will not yet be informed on the question of whether step rate increases to an amount in excess of \$2,100 will go through this year; it will not affect possible deductions for pleasure vehicles now being used by the various departments; it will not affect a possible reduction in W. P. A. materials this year in view of the fact that some 2,200 men have been laid off and therefore we should not require the same amount this year as was required last; and it will not affect a possible deduction in the budget for street construction work, bearing in mind the message from the Mayor today that the entire \$1,194,300 under the Acts of 1939, chapter 2, is available and held intact for street work. Do I understand correctly that none of those items are affected?

President MURRAY—The Chair will state that the councilor is correct, that none of those items are included.

Coun. WILSON—I have attended the numerous hearings of the Committee on Appropriations and will frankly admit that I certainly for one very much regret seeing the Council again placed in the position that we are always put in of having a budget sent to us and then gradually, through no fault of the present Mayor, being told that there is a terrific rush and that the members of the committee are expected to go over and digest and criticize a bill on which the Budget Commissioner presumably has been working since last autumn to less than three weeks ago. I bear in mind, of course, that in a year such as 1936 the budget was not passed by the Council until as late as the twenty-fifth of May. I also bear in mind the fact that under the charter all city departments can spend at least one third of their last year's expenditures, which would seem to make it clear that unless the various departments are spending much more this year than they did last year we should be reasonably safe until the first of May, and it is very disillusioning, to say the least, to feel that the various departments are apparently running ahead of last year, although I gather that the *City Record* item and some other items are partly due to the fact of the rush in last year's tax sale which put a burden of over \$8,000 on the *City Record*.

The question came on the passage of the order. The order was passed, yeas 17, nays 0.

**SOLDIERS' RELIEF.**

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for month of April.

Report accepted; said order passed under suspension of the rule.

**REPORT OF COMMITTEE ON ORDINANCES.**

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition of Otis A. B. Skinner, Prince Hall Grand Lodge (referred February 27), for permit for driveway opening at 1105-1109 Tremont street and Weston street—that permit be granted.

Report on petition of Jennie Gavegnano (referred March 27) for driveway opening at 327-331 Bennington street—that permit be granted.

Reports accepted; permits granted under usual conditions.

2. Report on ordinance (referred December 29, 1938) prohibiting sale of cigarettes or tobacco by vending machines—that same ought to pass.

Coun. WILSON—Mr. President, I might state for the record that I verified as recently as the twenty-ninth of November, 1938, that a similar ordinance in the City of Chicago is still in effect. Of course this ordinance, which I am glad to see brought in now from the Committee on Ordinances, is almost in accord with the original ordinance which was introduced by me some months ago. Due to the fact that I attended the hearings of the Committee on Appropriations until a rather late hour I was not at the meeting of the Committee on Ordinances. But do I understand that the Law Department has now complied with our request and that we have been furnished an opinion by the Law Department as to the validity of such an ordinance in Boston, similar to the one in Chicago?

Coun. TAYLOR—Mr. President, we had our meeting last Monday, at which time we expected the protestants to be before the Committee on Ordinances but they were not present. We later had a meeting on Friday. It was called to the committee's attention that Corporation Counsel Parkman said—and he spoke to me about it—that the ordinance as put through the committee with reference to the \$25 license fee would probably be held invalid in the courts as a decision had recently come down in Detroit where a \$5 license fee was held valid but it was intimated by the Court that anything more than \$5 would probably be held invalid. The Corporation Counsel also called to my attention that an ordinance similar to the original ordinance as introduced by Councilor Wilson with reference to the prohibition of the machines was held by the Supreme Court of Illinois to be within the police powers of the City of Chicago, and would probably be so held valid here. I have before me, in answer to Councilor Wilson's question, a letter from the Law Department of the City of Boston which says:

"City of Boston,  
Law Department, April 14, 1939.

Hon. Charles I. Taylor,

Chairman, Committee on Ordinances.

Dear Councilor Taylor,—Answering your inquiry of April 13 as to 'whether or not it is legally possible to prohibit the use of all cigarette and cigar vending machines in the City of Boston,' I am of the opinion that the City Council may, in the exercise of the police power and in the interest of the regulation of public health, enact an ordinance prohibiting the use of vending machines for the sale of cigarettes and cigars. I would call to your attention the form of prohibitory ordinance submitted by Councilor Wilson on December 29, 1938, and printed on page 430 of the Council Minutes of that year. This form of ordinance was prepared by the Law Department and in my opinion would be upheld as a valid police regulation.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel."

Does that answer your question, councilor? I offer that letter as a part of the record.

Coun. ROSENBERG—Mr. President and members of the Council, I thought that this year we were working on a program of economy. I also thought that this year the members of the Council, as in other years, were attempting to do everything possible for the purpose of increasing the revenue of the city and increasing it in such manner that it would not work a hardship on any one concerned. An ordinance was presented to the Council some weeks ago with reference to putting a license fee upon cigarette vending machines, and the purpose of putting a license fee

on cigarette vending machines was for the purpose of bringing in revenue to the city. The thought in mind was to perhaps put a license fee of \$50 on, somewhat similar to what was enacted in Chicago, and I believe that at that time I stated to the members of the Council that in Chicago when the license fee there was put into effect the \$50—it was not a license fee, but practically a tax put upon the sale of cigarettes in the vending machines, and as a result of that tax the machines that were being operated were reduced in number and placed in the hands of a so-called racketeer group in Chicago, and as a result thereof they finally were abolished. I have not heard anything said about the operations of the cigarette machines in Boston, that they are being operated by a group of racketeers. I have not heard any complaints coming into the Boston City Council of any illegal traffic in connection with the operation of those vending machines, and I feel that the committee at the same time felt that perhaps if a license fee of \$25 was enacted it would bring in revenue to the city, and I believe that that was the primary purpose of enacting the bill—the bringing of revenue to the City of Boston. I stated at the last meeting of the Council that, in my opinion, a license fee of \$25 would be a prohibitive sum, and instead of being a license fee would actually be a tax, and would be declared illegal by the courts of this Commonwealth. I suggested that a license fee of \$5 be levied on the various machines throughout the City of Boston. If there are 1,500 of them and we can get a license of \$5 per machine, we will bring revenue into the city, and there is going to be no additional cost for the inspection of those machines, police regulations, or the matter of health. After all, these cigarettes are being sold in sealed compacts. There have been no reports of violations and no complaints, except there were brought in here by a group during the various committee hearings, I believe, some men representing some association of retail tobacco dealers, and they, when they came in before the committee, stated that they did not particularly want to drive these other operators out of business but felt that there ought to be some fair tax or some license fee assessed upon them. The very proponents who are interested in this license fee stated that they did not want, as I said before, to drive these men out of business, but merely to put a license fee on which would in some way be commensurate with the competition that they are giving. Relative to regulating the fair trade practices, that is a matter that is being regulated by the Legislature. It is also a matter that is being regulated by Congress in Washington. When we find people talking about public health, about the police regulations, and about the sale of cigarettes to minors, as I said before, it sounds well on paper but appears to be nothing but bunk. I feel that this license which is attempted to be put into effect will not bring about the results and remedy that have been asked for, because I believe that those places which are now selling cigarettes and cigars in these vending machines will continue to sell tobacco over their counters. These things are now sold in restaurants, in night clubs, perhaps in barrooms and taverns. They are sold in other establishments, and instead of securing the commodities from the machines they will buy them over the counter, and they will undoubtedly be sold at the same cut rate that they are being sold at the retail tobacco stores, and instead of remedying the situation these small tobacco dealers will be creating competition which they did not originally expect. And I feel that the members of the Council, if they are really interested in the taxpayers of Boston, irrespective of the small sum that may be derived from the revenue—and as I say, if there are 1,500 of them in Boston, at \$5 per head tax for each machine, it would not involve any additional employees in any of the departments and would bring in additional revenue—will want to give the matter careful consideration. We can use that money coming in. We know that there has been some talk about children of minor years purchasing cigarettes from these tobacco machines. Well, most of them are being kept in places where only grown folks come, and I feel that the same regulation that is now applicable to the sale of cigars and cigarettes in the retail stores could apply to them. I think we have got laws and we have got ordinances now to affect the violation of any rule or regulation within our confines. There is some question about some machines where they sell cigarettes for one cent, and it has been suggested

that certain regulations might be put into effect to prohibit certain types of machines. But on the general form, I feel that, within the wisdom of this City Council, we should refuse to enact this proposed ordinance, and instead of that we should ratify the original ordinance that was brought in here in the sum of \$25 but to reduce it down to a \$5 license fee, so that we will be getting some revenue for the city.

On motion of Coun. CAREY the matter was referred to the Executive Committee.

#### PAYMENT TO FATHER OF ROBERT STAPLETON.

Coun. HARRIS offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation to authorize the payment of a sum of money to the father of Robert Stapleton who was permanently injured in a school building; provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

#### CONFIRMATION OF EXECUTIVE APPOINTMENT.

Chairman KERRIGAN called up, under unfinished business, No. 1, on the calendar, viz.:

1. Action on appointments submitted by the Mayor April 3, 1939, of Oscar T. Kazanjian, to be a Weigher of Goods, and Walter Gillis, to be a Weigher of Coal.

The question came on confirmation. Committee, Coun. Langan and Irwin. Whole number of ballots 14, yeas 14, and the appointments were confirmed.

#### BOSTON ELEVATED SITUATION.

Coun. WILSON, KELLY, FISH, HUTCHINSON and ROSENBERG offered the following:

Ordered, That his Honor the Mayor be urgently requested to interest the Corporation Council of the City of Boston to promptly test the legality of continued payments of money of the taxpayers: (1) directly or indirectly to pay dividends on the 238,794 shares of common stock of the Boston Elevated Railway Company; (2) to pay any part of the annual operating deficit of the Boston Elevated Railway Company; (3) to pay any part of the deficit of the Boston Elevated Railway Company, a private corporation; (4) to meet the alleged annual operating deficit of the Boston Elevated Railway Company, a private corporation,—especially in view of the fact that—

(a) In 1938 there was a deduction of over \$2,000,000 for depreciation, although during the ten years previous to public control a total of only \$1,295,000 was deducted for depreciation.

(b) In a period of twenty years the trustees have expended some \$56,000,000 for replacements and new construction on a plant alleged, even by the Boston Elevated Railway Company, to have a book value now in excess of \$110,000,000, and the actual value of which is probably not in excess of \$66,000,000.

Further ordered, That his Honor the Mayor be requested to provide for an adequate appropriation to be expended, under the direction of the Corporation Council, for the purpose of meeting expenses for expert services and any other necessary and proper expenditures which may be incurred in the preparation for and in the conduct of legal proceedings to test the validity and legality of payment of public money collected from the taxpayers of Boston for any of the purposes above set forth.

Coun. WILSON—Mr. President, mounting taxes, losses of homes, and especially the agitation for possible purchase of the common stock of the Boston Elevated Railway Company for \$60 a share or for any amount, have aroused the people of the Dorchester district of Boston, and, I assume, of all other sections of the city. The part played by the annual expenses of the Boston Elevated by the taxpayers, even with a ten-cent fare, and even after total abandonment of all services on the Atlantic avenue route, has aroused the membership of that group of public spirited citizens and

civic leaders known in five wards of the city as the "Dorchester All-Together Movement." Some weeks ago I urged the passage of an order in this Council for immediate condemnation and demolition of the Atlantic avenue elevated structure, abandoned since last October and yet carried on the books of the Elevated as an asset to the tune of \$3,120,000 as recently as March of 1937. Why should we fail to take the requested action immediately? What is this strange power of the Elevated? On March 6, 1939, the City Council unanimously passed a resolution requesting the Corporation Counsel of the City of Boston to oppose House Bill 154 of 1939, which would authorize the retirement of the Elevated common stock by purchase. I now urge—I demand—that the legality of the annual assessment on the taxpayers of the City of Boston incident to the Elevated deficit be definitely and aggressively attacked. On February 7, 1938, the Mayor successfully requested an appropriation of \$20,000, to be used in preparation and presentation of our case before the Department of Public Utilities incident to the proposed gas rates. That was no more vital or important than this dragging cancer, whereby every property owner in Boston and in thirteen other cities and towns actually is assessed to make up the alleged operating deficit of an insolvent private corporation which under a lease arrangement is being operated for a limited time by public officers. H. I. Harriman, trustee of the Elevated, in a letter to the Committee on Metropolitan Affairs at the State House, under date of March 26, 1937, with reference to a suggested sale of the Atlantic avenue junk pile to the Boston Metropolitan District for two and a half million dollars, did point out that "The Elevated Trustees as trustees are not responsible for the improvement of traffic facilities in the city." Neither have the trustees been legally authorized to rehabilitate the Elevated system with public money raised by taxation. Recently, Judge Sweeney of the United States District Court, in a proceeding involving the Social Security Act, clearly pointed out that the Elevated as a private corporation still exists as such and has all the powers that were originally accorded it. During the ten and a half years prior to public control the road deducted only \$1,295,000 for depreciation. In a period of twenty years public control has spent some \$56,000,000 for replacements and new construction on a plant which even the Elevated books make no claim exceeds \$110,000,000. Recently, over \$2,000,000 was charged to depreciation in a single year. Approximately \$1,500,000 went for the Revere Beach line. Although the Rapid Transit is obviously of primary advantage to localities outside metropolitan Boston, yet only thirteen other cities and towns share the expense load, and Boston alone pays approximately 65 per cent. I understand that a city as near to us as Quincy bears no part of the burden. Lucky Quincy! Dumb Boston! Am I correct in my understanding that in 1938 over \$2,000,000 was paid off the mortgage or bonded debt and, in effect, deducted as a service charge? The Boston Elevated property has been leased to the Commonwealth and no lessee is permitted to strip or waste. But there was no provision in the Acts of 1918, chapter 159, whereby public funds should be used to rehabilitate the road, re-equip the system, or pay off any part of a bonded debt. As I remember it, section 13 merely provides that upon the expiration of the period of public management and operation the property shall be in good operating condition,—in other words, as lessees we will not let the property go to rack and ruin. But on what theory of law is public money being used to rehabilitate the leased property? Why should we treat the property and rolling stock better than the owners did themselves? The comparative charges for depreciation tell the story. It is well enough to say that Boston must have transportation. We must have food and shelter and fuel, also. But neither the state nor any sub-division of the Commonwealth attempts to underwrite the operating costs or deficits of any private corporations dealing in those necessities. I believe the time has come when the taxpayers of Boston are entitled to have their lawyer,—the Corporation Counsel,—with an appropriation of their money, protect them against the continued illegal use of their money. The people of Dorchester demand that the legality of the continued payment of Elevated deficits and other items be at once tested in their behalf; and, while we are about it, they want a direct, aggressive, frontal attack made to

fix and determine their legal rights. Even half a million dollars annual charge back against the city toward the Elevated deficit is an automatic assessment of over thirty cents per thousand on every piece of taxable property in the City of Boston, and the Dorchester councilors, some of whom may care to supplement what I say, have been instructed by the civic leaders of Dorchester and by the taxpayers of Dorchester to urge upon the Mayor that the Corporation Counsel of the City of Boston, as the lawyer for the taxpayers, be instructed to proceed with such legal measures as will determine the legality of these continued assessments on the property owners of Boston to help rehabilitate a private corporation. They not only urge that, they demand it. And they also urge, in the second part of the order, that the Corporation Counsel not only be instructed to take these steps but that a sufficient amount of money be appropriated to give him the munitions of warfare to carry on the fight, just as he received \$20,000 in the far less important item of the proposed increase in the Consolidated Gas rates.

Coun. TAYLOR—Mr. President, may I ask Councilor Wilson a question? When this bill was passed by the Legislature, can you tell me whether or not anybody asked for an advisory opinion by the Supreme Court—if you know?

Coun. WILSON—Well, I assume the question is, if I know. I would state, in answer to the question, that I am unaware whether the Supreme Court passed on the specific question, but if they did pass on the specific question whether or not the Act of 1918 was legal, I still say that they did not contemplate the fact that, although the Boston Elevated in a period of ten years had charged off practically nothing to depreciation, that in twenty years the trustees of the Elevated road, using the money of the taxpayers, would spend millions of dollars to rehabilitate the road. My answer would be, whether the Act of 1918 was or was not legal, the deficits which have been charged back against the taxpayers of Boston and the thirteen other cities and towns have been partly to rehabilitate the road, and that we insist is illegal whether or not the original act was legal.

Coun. TAYLOR—Mr. President, as I listened to the order as it was read, although it was a lengthy order, and I am heartily in favor of it, I do not think that it goes far enough, because the most that I think can be done in this case, as far as the Corporation Counsel is concerned, is to render to us an opinion as to whether or not it is valid, and that opinion, of course, is of no consequence until it has been determined to its finality by the Supreme Court. So that I will offer an amendment, Mr. President, to that order, that his Honor the Mayor refuse to pay the City of Boston's share of the deficit until the Supreme Court determines that the law requiring the City of Boston to pay the deficit is valid. I would add that to the order for this reason: Until this question comes properly before the courts it cannot be decided, and the only way that it can come properly before the courts is to refuse to pay, so that a bill in equity or a lawsuit may be started against the City of Boston to compel it to pay. Then, only, will we know whether or not this law is valid. I offer that amendment.

Coun. WILSON—Mr. President, the point taken by the gentleman from Ward 12 is an excellent one and was in the minds of the Dorchester councilors. We did, however, feel that the method of approach by the Corporation Counsel should be somewhat left to his discretion. Obviously, the most direct and perhaps most effective manner of raising the question before the Supreme Court would be to refuse to pay this year's deficit assessed back against the City of Boston. I would have no objection, and I do not assume that the other councilors would have any objection, to that amendment being added. We have not asked for a legal opinion of the Corporation Counsel of the City of Boston, relying on his ability, backed by the money power of the city to pay the bills—after all, the taxpayers' money will be used to pay the bills. Our primary purpose is to bring this matter before the Supreme Judicial Court of this Commonwealth, and the best way to do it may well be to refuse to pay this year's deficit.

The question came on the adoption of the amendment. The amendment was adopted and the question came on the passage of the order as amended. The order was passed.

Later in the session Coun. SHATTUCK said: Mr. President, I move reconsideration of the order which has just passed with reference to the Elevated.

President MURRAY—The question is on reconsideration.

Coun. SHATTUCK—Mr. President, I make that motion for this reason—and I am speaking from memory, because I have not read the Elevated Act for some little time. But, according to my memory, the Commonwealth of Massachusetts is the party to the lease. There is a lease between the Commonwealth and the Boston Elevated Railway Company. The Commonwealth, as I recall, pays the deficit and then apportions the deficit among the cities and towns. So that if you decide you won't pay, you will have to fight with the Commonwealth, the Commonwealth having already paid the Elevated. I doubt if that would be effective. Therefore, if reconsideration prevails, I shall move that the amendment offered by Councilor Taylor be stricken out of the order.

Coun. TAYLOR—I might say, in answer to Councilor Shattuck, that if the Commonwealth took upon itself to pay out money and they paid it out illegally, it is of no concern to the City of Boston, and if the Commonwealth taxes the people of the City of Boston it is of no concern to the people of the City of Boston whether they have paid out money illegally or not. I think it would make no difference as far as the taxpayers and the people of the City of Boston are concerned.

The question came on reconsideration. Reconsideration was refused.

#### SIDEWALK, WELD AVENUE, WARD 11.

Coun. ENGLERT offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a sidewalk along both sides of Weld avenue, Ward 11, under the W. P. A. type of construction.

Passed under suspension of the rule.

#### SIDEWALK, BOYNTON STREET, WARD 11.

Coun. ENGLERT offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Boynton street, both sides, from South street to Call street, Ward 11, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### ACCEPTANCE OF REYEM CIRCLE, WARD 11.

Coun. ENGLERT offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out as a public highway, under the W. P. A. type of construction, Reyem circle, Ward 11.

Passed under suspension of the rule.

#### ACCEPTANCE OF RICHFIELD PARK, WARD 15.

Coun. KELLY offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Richfield park, Ward 15, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### REINSTATEMENT OF GEORGE E. BOYDEN.

Coun. KELLY offered the following:

Resolved, That the Boston City Council hereby favors the enactment of legislation authorizing the city to reinstate George E. Boyden as a member of the Boston Police Department, provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

#### SIDEWALKS, WARD 16.

Coun. FISH offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Laban Pratt road, both sides, from Boutwell street to Westglow street, Ward 16, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Commissioner of Public Works make a sidewalk along Arbroth street, both sides, from Train street to Laban Pratt road, Ward 16, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Severally passed under suspension of the rule.

#### NAMING OF LIBRARY FOR MONSIGNOR ARTHUR T. CONNOLLY.

Coun. CAREY and LANGAN offered the following:

Ordered, That the trustees of the Boston Public Library be requested, through his Honor the Mayor, in view of his many years of unselfish sacrifice and devotion to the community and in recognition of his many years of distinguished service as a member of the Board of Trustees of said Library, to name the Jamaica Plain branch library on Centre street the Monsignor Arthur T. Connolly Branch, and that a suitable commemorative plaque bearing his name be installed in the lobby of said building.

Coun. CAREY—Mr. President, the name of the late revered and lovable gentleman, Monsignor Arthur T. Connolly, is synonymous with Jamaica Plain. Monsignor Connolly, as Pastor of the Church of the Blessed Sacrament, was the shepherd of a flock, who labored in his priestly duties in Jamaica Plain for fifty years that man might be instructed in and informed of his duties to his God and his country. To honor him in the manner requested is but humble recognition of his intellect, his high motives, his excellent service on the Board of Trustees, and his deep interest in the community. For sixteen long years Monsignor Connolly served with distinction on the Board of Trustees of the Boston Public Library, and no more fitting tribute, one that will justly identify him with one of his major life works, can be accorded him than to honor him, in a manner that will serve as a well-deserved tribute for the years to come in the district he loved so well, by designating what is now known as the Jamaica Plain Branch Library as the Monsignor Arthur T. Connolly Branch, and to install a suitably inscribed plaque in the lobby of the building.

Coun. LANGAN—Mr. President, I wish to concur with the councilor from Ward 10 in his order that the trustees of the Public Library name the branch library which is located in that section of Jamaica Plain after the late Monsignor Connolly. He was a man whose learning was well recognized by the Mayors of this city, and year after year he served faithfully as one of the trustees of the Boston Public Library. His charity was well known throughout the entire district to the poor, and his learning was a byword for those who had occasion to seek improvements in the Public Library of the City of Boston. I think it is only fitting that his memory should be put in permanent form by having this library in this section of Jamaica Plain named after him.

The order was passed under suspension of the rule.



### HOSPITAL REGULATIONS RE CHILDREN UNDER TWELVE.

Coun. CAREY offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to amend any existing regulations which prohibit the keeping for observation at the hospital of any child twelve years of age or under whose condition is such as to require hospital treatment.

Coun. CAREY—Mr. President, for the purpose of the record, I wish to say that to err is human, and in introducing that order today I want it to be accepted in a spirit of fairness and not one of criticism. However, there occurred at the Boston City Hospital last Monday night an incident that, while it was a mistake, I think something should be done to prevent similar occurrences. A little girl, ten years of age, having been seen by her doctor earlier in the evening, was sent in an ambulance of the Boston City Hospital to the hospital, and upon arriving there was without a dress, and the child's mother, who accompanied her in the ambulance, was told that she would have to take the child home. Whether there is a definite rule in the hospital that prohibits keeping a child of ten years of age there or not I have not been able to definitely determine, but for some reason the house doctor on duty last Monday night felt that he could not keep the child there. The child's mother was instructed to return home and get the child's clothing, which she did. Later in the evening she came back to the hospital and took the child back to her home on Alleghany street in Roxbury. The child's condition remained so serious the following day that the doctor was again called in and she was taken to the Boston City Hospital, where, upon examination, it was decided that the child was suffering from a very serious condition of pleurisy and threatened with pneumonia. As I said in the beginning, I do not introduce this matter as one of severe criticism, but I feel that some change should be made in the regulations of the hospital in order to, in the future, avoid embarrassment on the part of the house doctor on duty in the evening, so that in a case of this kind he may hold the child there for diagnosis.

Referred to the Committee on Hospitals.

### IMPROVEMENTS, BROOK AVENUE, ROXBURY.

Coun. HUTCHINSON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Brook Avenue, Roxbury, and to relay the brick sidewalks thereon, under the W. P. A. plan of construction.

Passed under suspension of the rule.

### BUDGET INFORMATION RE SALARIES.

Coun. WILSON offered the following:

Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to supply the City Council Committee on Appropriations with a detailed schedule which shall clearly show by departments, in all cases, proposed raises in salary for the year 1939:

1. The amount of the 1938 salary.
2. The amount of the proposed increase.
3. The amount of the proposed total salary for 1939.
4. Whether the raise represents a so-called "step-rate" increase.

Passed under suspension of the rule.

### FILING OF ABATEMENT PETITIONS.

Coun. WILSON offered the following:

Ordered, That the City Collector be requested, through his Honor the Mayor, on all tax bills sent out for the year 1939 and thereafter, to state plainly and conspicuously on each bill that the time for filing abatement petitions with the Board of Assessors expires by law on October 1; and, also, that the time for appeal to the Board of Tax Appeals expires sixty days after notice of decision by the Board of Assessors, or, in any event, ninety days after four months from filing of any petition for abatement.

Ordered, That the Board of Assessors be requested, through his Honor the Mayor, in all cases where property owners file abatement petitions on or before October first in any year, to send timely notice to each petitioner as to the finding by the Board of Assessors; and, also, to advise that any appeal by the taxpayer, from such finding by the Board, must be taken within sixty days thereafter.

Coun. WILSON—With reference to the two latter orders, they cover, in a way, a matter which came up before the Committee on Appropriations last week. I am sure there is not a councillor now in the Council who has not, again and again, had the experience of constituents coming to him who felt that their properties have been overassessed, and who came to a member of the Council to get the assessment reduced. Many of them come in after the first day of October, and they are told that the technicality of the law hocks their even filing, or they come in early enough to get their petition for abatement filed on or about the first of October, and then, even with the increased personnel of the Board of Assessors,—which now has five instead of three,—these small taxpayers wait month after month, and perhaps sometimes late the next summer they come in to see some City Councillor, and the City Councillor and the taxpayer learn to their dismay that another technical requirement has not been complied with, that the ninety-day period following the four months period has also expired, that there is now no appeal to the Board of Tax Appeals on Somerset street, and as a result the Board of Assessors, not actually but figuratively, laughs at the taxpayer and the City Councillor and it goes into another year. I personally feel that the Board of Assessors, despite some feeling on the Board to the contrary, is not dealing with any individual property owner of Boston at arm's length. Any member of the Board of Assessors of the City of Boston is a servant of the people of the City of Boston. Any man who has an assessment put on his home in Boston expects to get a fair break from the Board of Assessors, and no more. He doesn't expect to have the Assessing Department handle him and deal with him at arm's length, because, in my opinion, the Board of Assessors is in a fiduciary capacity to every individual taxpayer in Boston. I think the action is a little fast haseball. It is not, as the English say, just cricket for the Board of Assessors to stand behind the legal technicality that you have got to file the petition for abatement on or before the first of October, or to stand behind another legal technicality, that if it has not been acted upon within four months you have got to make your appeal within ninety days or go by the board. An insistence upon those technical rules, in my opinion, as I have said, is fast haseball, especially since the average man or woman in Boston, especially the elderly couple living in their little home in a residential community, is not up on the technicalities of the law, and he does not wake up to the fact until it is too late. I say that it is only ordinary decency that the little home owner in Dorchester or Roxbury or Roslindale should have clearly brought home to him on his tax bill, conspicuously stated, that if he does not like the assessment on the tax bill he has only got until October 1, when the hell rings. I think that when the tax bill goes out—and this is also something which the City Collector is interested in—it should be made plain that if the appeal is not taken within ninety days of the four months the hell has rung. The fellow who has really had a break in these past years of depression is the taxpayer in Boston with the big piece of property and the high-priced lawyer who knows the different angles, and if you don't believe what I say I will give you some figures. I happened to look up the figures for another matter, and I am going to take what is supposed to be probably the most exclusive, delightful, best street in the City of Boston. To be sure, there are no houses in Dorchester or Roslindale, on the average street, that are brick houses, and to be sure the streets in my ward are not, under the law, parts of the Park Department system. But take this particular street, not because I wish the people on the street any hard luck, because it is to their credit that they protected their rights and had their assessments reduced to a figure which they thought was fair. The only reason I am making a comparison is that the fellow with a lot of money at stake, and with a lawyer who knows his business, protects his business, whereas the small fellow in the residential ward has no high-priced lawyer and, therefore, does not get his assessment reduced.

This is just showing, however, what can be done. Let us take some of the properties on Commonwealth avenue, between Arlington street and Massachusetts avenue, Boston. I am going to take them pretty much at random, and I will give the number of the property, the assessed value in 1928, and the assessed value ten years later, in 1938—last year:

No. 3, from \$100,000 to \$65,000.
No. 15, from \$135,000 to \$85,000.
No. 27, from \$175,000 to \$100,000.
No. 33, from \$60,000 to \$33,000.
No. 35, from \$60,000 to \$30,000.
No. 41, from \$60,000 to \$32,000.
No. 51, from \$110,000 to \$61,000.
No. 58, from \$68,000 to \$34,000.
No. 113, from \$80,000 to \$40,000.
No. 107, from \$75,000 to \$42,000.
No. 129, from \$64,000 to \$31,000.
No. 167, from \$92,000 to \$42,500.
No. 199, from \$137,000 to \$65,000.
No. 211, from \$123,000 to \$55,000.
No. 215, from \$70,000 to \$30,000.*
No. 247, from \$110,000 to \$40,000.
No. 251, from \$75,000 to \$32,000.
No. 253, from \$68,000 to \$30,000.
No. 257, from \$140,000 to \$65,000.
No. 261, from \$93,000 to \$40,000.
No. 273, from \$145,000 to \$70,000.
No. 285, from \$95,000 to \$40,000.
No. 303, from \$120,000 to \$57,000.
No. 337, from \$50,000 to \$23,000.
No. 343, from \$66,000 to \$23,000.
No. 351, from \$46,000 to \$20,500.
No. 8, from \$58,000 to \$25,000.
No. 10, from \$50,000 to \$23,000.
No. 36, from \$50,000 to \$25,000.
No. 46, from \$65,000 to \$25,000.
No. 114, from \$49,000 to \$23,000.
No. 120, from \$63,000 to \$30,000.
No. 122, from \$59,000 to \$30,000.
No. 126, from \$41,000 to \$20,000.
No. 144, from \$45,000 to \$23,000.
No. 200, from \$47,000 to \$21,000.
No. 204, from \$46,000 to \$23,000.
No. 284, from \$84,000 to \$30,000.
No. 314, from \$225,000 to \$100,000.

\* Less than half.

The publication of those figures points out this, also, Mr. President: Take a man on that street, who knows the law, and who has been legally protected, as was his right,—and I again repeat, good luck to him,—a man who had a piece of property there which was assessed in 1938 for \$41,000. In 1928 the tax rate was \$28.80 a thousand. That man, on the valuation of \$41,000, paid the City of Boston \$1,180. Ten years later, in 1938, the tax rate was \$41.30, but his property had its valuation reduced in the meanwhile from \$41,000 to \$20,000. He paid in 1938 \$826, or \$354 less than he paid ten years before, before the fall in real estate. He paid \$354 less than he paid in 1928. In other words, boiled down to figures, Mr. President, although the tax rate in ten years went up by 43 per cent, from \$28.80 a thousand in 1928 to \$41.30 a thousand in 1938—although the tax rate went up 43 per cent and the world cried loudly, a man with his property reduced from a valuation of \$41,000 to \$20,000 on that street actually paid 30 per cent less in taxes in 1938 than he paid in 1928. And so, in closing, Mr. President, in urging the passage of these orders, the point I wish to make is this: Properties have, of course, dropped almost to nothing in value throughout the city. Any property owner whose property is over-valued in Boston has a right to take advantage of the provisions of law to protect himself. The people in the district which I have cited took advantage, to their credit, of the right which they had to reduce their valuations, as they should have been reduced. But the average little one-horse property owner out in Dorchester or any of the other residential districts, with only a tax bill, perhaps, of two or three hundred dollars, not knowing the ropes, let October 1 go by and did not file a petition for abatement. Or he filed it and then he prayed and he waited, and six months went by, and a year went by, and perhaps two years went by, and he woke up one day to find out that he had not filed a petition with the Board of Tax Appeals. That is the little fellow that should be protected, because the other fellow will protect himself, and in fairness to that little fellow, and with the feeling that the Board of Assessors, as I have

said, is in a fiduciary relation to that little fellow, it should be plainly and conspicuously stated on the tax bill that the hell rings on the first of October and that he has to file a petition in abatement by the first of October or he is out the window. Also, conspicuously stated on the bill, should be a warning to him that time also runs on the right of appeal. And I say further, that, especially with the Board of Assessors that has now been increased to five, hearing in mind the information from the Board of Assessors who told us the other day that only about 10 per cent of the property owners in Boston file petitions for abatement, there is also a moral duty on the part of the assessors not to take the petitions for abatement of the widows and the little fellows and then send them to the hindery or into the waste basket, and I think that they ought to be informed at once, instead of three or four months later—which will not help them—that they should be warned that they have got ninety days to appeal to the Board of Tax Appeals, and I say to you, Mr. President, that with the tax rate today—which, instead of being \$41.30 is really over \$80 a thousand—that the City of Boston, first of all, owes it to the taxpayers to warn them as to their rights, and in the second place, when the average taxpayer is warned of his rights you will see the average little property owner doing as the big property owner does, filing a claim in the Board of Appeals, and because his tax is less than \$1,000 he will not have to pay half the tax when he does it, and you will see such an army going up to Somerset street to protect their rights when they get this year's tax bill that they will have to call out the Police Department to keep them in line.

Coun. SHATTUCK—Mr. President, I agree with the councilor that every owner should have full knowledge of his rights, and I think it would be a good thing to print the notice that he suggests. So far as Commonwealth avenue or Dorchester are concerned, however, I think that Dorchester has been in a fortunate condition as compared with Commonwealth avenue. I do not suppose that there is a single street in the entire City of Boston that has taken such a licking in value as has Commonwealth avenue. The gentleman can go there any day and huy all the houses he wants at \$10,000 or less—any number of them. I did not hear him give a single figure of an assessment of less than \$20,000, and I think most of them were \$25,000, yet, as I say, you can huy any number of them for \$10,000 or less. They have become almost worthless.

Coun. WILSON—Mr. President, I agree with what the gentlemen says, and my criticism is not that the owners of those properties have protected themselves, but my remarks were directed to the fact that the average small fellow does not realize what his rights are and has not, perhaps, a lawyer on the job to protect his rights. I would point out that one of the things that brought this to a head was a property owner on Codman Hill avenue in Dorchester—believe it or not—who, within the last three years, in reading his tax bill, found that the assessment, not on his house but on the land on which the house was built, had been actually raised \$300. I thought, at first, perhaps he had planted a couple of these California red-woods on his property, but there had been no change unless it was the cutting of the lawn. But he had an increased valuation on his property inside of the last three years,—on the lot itself, not on the house, and without any changes in the property,—of \$300. That seems a small amount. But I say that in these outlying sections of the city the properties certainly have not increased in value in the last ten years, and, just as the councilor has said in reference to Commonwealth avenue, there is not a piece of property in the ward which I represent that is worth today on the open market anywhere near its 1928 value, although 98 per cent of it, I will venture to say, is still being taxed at close to that figure.

Coun. ROSENBERG—Mr. President, during this present administration, I believe, every widow filing an application for abatement has been notified that her abatement has either been acted upon favorably or rejected, and I believe that a similar procedure should be followed with the small home owner who files an application for abatement rather than letting the four months period go by, and perhaps the ninety-day period go by, whereby they are left without any right of appeal. I feel that not only should the tax bills contain the statement that an application must be

filed on or before the first of October and that the person seeking relief has ninety days from the end of the four months period, or from the time the application for abatement has been rejected, but they should also receive a notice in the mail stating that their application is either being acted upon or rejected, and with a further notification of the time limit for filing appeal before the Board of Tax Appeals.

Coun. TAYLOR—Mr. President, I want to add a very few remarks to what Councilor Wilson has said. I think it was two weeks ago that I put in an order with reference to widows receiving their abatements without filing their applications. Up to this year this was always been the system in the Assessing Department, but for some reason the system has changed this year. Widows were not notified to file their abatements in the ordinary manner prior to October 1. I went before Mr. Dowling, one of the assessors, in the case of a crippled woman who was unable to come to the Assessing Department and make out her appeal, and he refused to give her a \$2,000 abatement to which she was entitled, although every other widow who did file her application received it, and it was only through some mechanics of the Assessment Department, after talking with another assessor, that I was able to secure that abatement, not under the widow's abatement clause, under which she was entitled to the abatement, Clause 17, but under Clause 18, under which she had to say that she was unable to pay any taxes on the property. In the case of widows I do not think there ought to be an abatement filed.

The order was passed under suspension of the rule.

#### SIDEWALKS ON HAWTHORNE STREET, WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to provide for the installation of sidewalks on Hawthorne street, between Florence and Sycamore streets, Ward 19, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### BREWER AND OTHER STREETS.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 19, under the W. P. A. plan of construction: Brewer street, Chestnut avenue, from Paul Gore street to Green street.

Passed under suspension of the rule.

#### ARC LIGHT, ROSLINDALE SQUARE.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install an electric arc light on Washington street, opposite Cummins Highway, directly in front of the park at Roslindale square.

Passed under suspension of the rule.

#### AUTOMATIC TRAFFIC SIGNALS, JAMAICA PLAIN.

Coun. LANGAN and CAREY offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install automatic traffic signals at the junction of South Huntington avenue and Perkins street, Jamaica Plain.

Passed under suspension of the rule.

#### DISTRIBUTION OF BUTTER.

Coun. LANGAN offered the following:

Ordered, That his Honor the Mayor be requested to take up with the W. P. A. authorities the matter of providing for the immediate distribution of butter, through the Surplus Com-

modities Division, to persons receiving welfare aid and also those who are working on the W. P. A., so that they may receive the same benefits as those persons in similar circumstances who reside outside of the City of Boston.

Coun. LANGAN—Mr. President, at the present time, as I understand, not only the people who are on the W. P. A., but those on the welfare rolls of towns and cities outside of Boston, are receiving, through the benefits of the Federal Government, a supply of butter each week. The City of Boston, up until the present time, has felt itself financially unable to contribute the money necessary to have the welfare recipients and those on the W. P. A. receive these benefits. I feel sure that his Honor the Mayor, when he considers the circumstances, will see that this is not a proper move toward economy, that for the small sum that is necessary to be given the Federal Government for the processing tax it would be a good move to have those people who are on the welfare rolls and on the W. P. A. rolls receive this necessary commodity which will add to their health.

The order was passed under suspension of the rule.

#### IMPROVEMENTS, WILLIAM EUSTIS PLAYGROUND.

Coun. McMAHON offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to take immediate steps to resurface the William Eustis Playground and to make the necessary repairs to the locker house and showers.

Passed under suspension of the rule.

#### IMPROVEMENT OF SULLIVAN PLAYGROUND.

Coun. McMAHON offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to resurface the J. M. and J. J. Sullivan Playground and to install swings and other equipment for the enjoyment of the children.

Passed under suspension of the rule.

#### STADIUM, FRANKLIN FIELD.

Coun. ROSENBERG offered the following:

Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to consider the erection of a municipal stadium on Franklin Field, the expense of same to be met from the income of the George Robert White Fund.

Coun. ROSENBERG—Mr. President, perhaps the greatest recreation field in Greater Boston is Franklin Field. Thousands of children and adults from all over the Dorchester section and from all parts of Boston use the facilities of Franklin Field, which is a splendid field for the purpose of athletic development, and I believe that no finer location in the City of Boston could be found for the use of a part of the income of the George Robert White Fund than in the erection of a municipal stadium which would be used for the development of the health of the youths of the community, and by so securing a municipal stadium from the George Robert White Fund we will not have to draw on funds from the city treasury.

The order was passed under suspension of the rule.

#### RECESS.

By direction of the Chair, the Council at 3.45 p. m. took a recess subject to the call of the Chair. The members reassembled and were called to order by the Chair at 4.15 p. m.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusements, viz.:

J. C. Williams, Jacob P. Bates Hall, April 14; Gertrude Dolan, Jordan Hall, June 12; Gertrude Dolan, Jordan Hall, June 21; Lulu Philbrook, Lee Auditorium, May 17; Lucille Perry Hall, Jordan Hall, May 22—recommending that leave be granted under usual conditions.

Report accepted; leave granted under usual conditions.

#### REPORT OF COMMITTEE ON PUBLIC LANDS.

Coun. IRWIN, for the Committee on Public Lands, submitted the following:

1. Report on message of Mayor and order (referred today) for sale of land and building on Brooks street, Brighton, formerly occupied by Faneuil Branch of Public Library—that same ought to pass.

The report was accepted, and the question came on the passage of the order. The order was passed, yeas 18, nays 0.

#### ROOM FOR GOLD STAR MOTHERS, DILLAWAY HOUSE.

Coun. LYONS and HARRIS offered the following:

Ordered, That the Superintendent of Public Buildings be requested, through his Honor the Mayor, to arrange for a meeting room for the Gold Star Mothers of Boston in the Dillaway House, Roxbury.

Coun. LYONS—Mr. President, the reason why I introduce the order now is that from fifty to seventy-five Gold Star Mothers in the City of Boston at the present time have not a place to meet. They are hiring a few rooms in a hotel in Boston. This Dillaway House, I understand, is more or less of a relic in Boston, but recently it was renovated, and I think that it would be a very appropriate thing if the Commissioner of Public Buildings could arrange for ample space where these mothers may meet once a month. They have monthly meetings.

The order was passed under suspension of the rule.

#### STAIRS, SUNSET HILL PARK, CENTRE STREET.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to erect a flight of stairs between Sunset Hill park and Centre street, West Roxbury.

Passed under suspension of the rule.

#### "STOP" SIGNS, CENTRE AND SOUTH STREETS, WEST ROXBURY.

Coun. LYONS offered the following:

Ordered, That the Traffic Commission be requested, through his Honor the Mayor, to install "Stop" signs at the junction of Centre and South streets, West Roxbury.

Passed under suspension of the rule.

#### IMPROVEMENT OF WREN STREET, WEST ROXBURY.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Wren street, West Roxbury, and install sidewalks on both sides of the street, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### ROPING OFF STREETS.

Coun. LANGAN, ENGLERT, LYONS and CAREY offered the following:

Ordered, That the City Messenger be, and he hereby is, authorized to rope off streets, in accordance with the annual custom, for the Annual Ten-Mile Road Race of the William F. Reddish Athletic Association, Jamaica Plain.

Passed under suspension of the rule.

#### TRAINING IN AVIATION MECHANICS.

Coun. GALVIN offered the following:

Ordered, That the Boston School Committee be requested, through his Honor the Mayor, to forthwith make arrangements to collaborate with the Federal Government for the establishment of a training course in Aviation Mechanics in the high schools of Boston, in conjunction with the present curriculum of the high schools.

Passed under suspension of the rule.

Adjourned at 4.20 p. m., on motion of Coun. SHATTUCK, to meet on Monday, April 24, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, April 24, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair. Absent, Coun. Harris and Norton.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Constables of the City of Boston for term of one year beginning with first day of May, 1939, with authority to serve civil process upon filing the necessary bonds:

Abraham M. Hecht, 59 Lorne street, Ward 14; Bert Oppenheim, 1715 Commonwealth avenue, Ward 21; Harry Greenbaum, 71 Goodale road, Ward 14.

Weigher of Coal: Mollie Neitlich, 12 Hosmer street, Mattapan, Mass.

Severally laid over a week under the law.

## HEALTH UNIT, WARD 14.

The following was received:

City of Boston,

Office of the Mayor, April 24, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the George Robert White Fund Manager relative to your order of February 27, 1939, concerning the advisability of erecting a Health Unit in Ward 14, in the immediate vicinity of Blue Hill avenue and Talbot avenue.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

George Robert White Fund,

April 20, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on Monday, February 27, 1939, the following order was passed:

"Ordered, That the trustees of the George Robert White Fund, through his Honor the Mayor, be requested to consider the advisability of erecting a Health Unit in Ward 14 in the immediate vicinity of Blue Hill avenue and Talbot avenue.

"In City Council, February 27, 1939. Passed." and I herewith submit the following vote passed by the trustees of the George Robert White Fund at their meeting on Tuesday, March 28, 1939:

Voted, That in view of the fact that the original program of the previous trustees called for the completion of seven Health Units—all of which were established—and then stop, and also on account of the large expense of maintenance of Health Units, which must be borne by the city, the trustees do not deem it wise to build any more Health Units at this time.

Respectfully submitted,

JOSEPH F. O'CONNELL,  
Manager.

Placed on file.

## HEALTH UNIT, CENTRAL DORCHESTER DISTRICT.

The following was received:

City of Boston,

Office of the Mayor, April 24, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the George Robert White Fund Manager

relative to your order of December 29, 1938, concerning the advisability of constructing a Health Unit in the Central Dorchester District.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,

George Robert White Fund,

April 20, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on Friday, December 29, 1938, the following order was passed:

"Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to consider the early advisability of constructing a Health Unit in the Central Dorchester district.

"In City Council, December 29, 1938. Passed." and I herewith submit the following vote passed by the trustees of the George Robert White Fund at their meeting on Tuesday, March 28, 1939:

Voted, That in view of the fact that the original program of the previous trustees called for the completion of seven Health Units—all of which were established—and then stop, and also on account of the large expense of maintenance of Health Units, which must be borne by the city, the trustees do not deem it wise to build any more Health Units at this time.

Respectfully submitted,

JOSEPH F. O'CONNELL,  
Manager.

Placed on file.

## LAW RE CITY HOSPITAL.

The following was received:

City of Boston,

Office of the Mayor, April 24, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of March 6, 1939, concerning the provisions of sections 1 and 2 of chapter 113 of the Statutes of 1858, entitled, "An Act Authorizing the City of Boston to Establish a City Hospital."

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Law Department, April 15, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—You have requested me to render the opinion sought by the following order of the City Council passed on March 6, 1939:

"Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to at once advise the City Council whether the provisions of sections 1 and 2 of chapter 113 of the Statutes of 1858, entitled, 'An Act Authorizing the City of Boston to Establish a City Hospital,' are still in full force and effect and, if not, then in exactly what respects has this statute been altered, amended or repealed."

Chapter 113 of the Acts of 1858 referred to in said order is as follows:

"Section 1. The city of Boston is hereby authorized to erect, establish and maintain a hospital for the reception of persons who by misfortune or poverty may require relief during temporary sickness.

"Section 2. The city council of said city shall have power to make such ordinances, rules and regulations, as they may deem expedient, for the appointment of trustees, and all other necessary officers, agents and servants, for managing the said hospital.

"Section 3. Said hospital shall not be erected or located within three hundred feet of any schoolhouse or church now built.

"Section 4. This act shall take effect from and after its passage."

I am of the opinion that section 1 of said chapter is still in full force and effect.

Section 2 of said chapter was superseded by the provisions of chapter 174 of the Acts of 1880, entitled "An Act to Incorporate the Trustees of the City Hospital of the City of Boston." Section 3 of said chapter 174 provided for a board of seven trustees thereafter, two to be elected by the City Council and five to be appointed by the Mayor, subject to the confirmation of the City Council. Sections 4 and 5 of said chapter 174 placed the general care and control of the City Hospital in the trustees, subject to the direction of the City Council. Section 6 of said chapter 174 provided for the appointment of assistants and subordinate officers by trustees.

However, the foregoing sections of chapter 174 were in turn, affected and in some regards superseded by subsequent charter provisions and most recently by sections 8 and 9 of chapter 486 of the Acts of 1909.

Section 8 of said chapter 486 provides, in part, as follows:

"Neither the city council, nor any member or committee, officer, or employee thereof shall, except as otherwise provided in this act, directly or indirectly on behalf of the city or of the county of Suffolk take part in the employment of labor, the making of contracts, the purchase of materials, supplies or real estate; nor in the construction, alteration, or repair of any public works, buildings, or other property; nor in the care, custody, and management of the same, nor in the conduct of the executive or administrative business of the city or county; nor in the appointment or removal of any municipal or county employee;

Section 9 of said chapter 486 provides, in part, as follows:

"All heads of departments and members of municipal boards, including the board of street commissioners, as their present terms of office expire (but excluding the school committee and those officials by law appointed by the governor), shall be appointed by the mayor without confirmation by the city council."

In view of the foregoing, I am of the opinion that the provisions of section 2 of chapter 113 of 1858 are no longer in effect. The power of appointment of trustees and other necessary officers, agents and servants for managing said hospital is no longer in the City Council and, with certain exceptions not pertinent hereto, the City Council is prohibited from taking part in the conduct of the executive or administrative business of the Hospital Department.

Very truly yours,

HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

#### PLAYGROUND, JEFFRIES POINT.

The following was received:

City of Boston,  
Office of the Mayor, April 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the George Robert White Fund Manager relative to your order of February 27, 1939, concerning the advisability of the construction of a playground at the Jeffries Point section of East Boston from the accumulated moneys of the George Robert White Fund.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
George Robert White Fund,  
April 20, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on Monday, February 27, 1939, the following order was passed:

"Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to consider the advisability of the construction of a playground at the Jeffries Point section of East Boston from the accumulated moneys of the George Robert White Fund.

"In City Council, February 27, 1939. Passed."

and I herewith submit the following vote passed by the trustees of the George Robert White Fund at their meeting on Tuesday, March 28, 1939:

Voted, That the Council be advised it is the opinion of the trustees that the expending of the income of this fund for such a purpose would be prohibited under the terms of the will of the late George Robert White.

Respectfully submitted,  
JOSEPH F. O'CONNELL,  
Manager.

Placed on file.

#### SIDEWALKS, BOYNTON STREET, WARD 11.

The following was received:

City of Boston,  
Office of the Mayor, April 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the making of sidewalks on Boynton street, Ward 11, as a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 12, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle—I return herewith order in City Council that the Commissioner of Public Works make sidewalks on Boynton street, Ward 11, as a W. P. A. project.

The abutting owners on this street have signified their willingness to pay their proportionate share of the cost of the expense of this work and when the necessary lien order is passed by the City Council this street will be submitted on a W. P. A. project for the construction of these sidewalks.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### ARC LIGHTS, BAKER STREET BRIDGE, WARD 20.

The following was received:

City of Boston,  
Office of the Mayor, April 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 20, 1939, concerning the installation of electric arc lights on both sides of the New York, New Haven & Hartford Railroad bridge on Baker street, between Spring and Centre streets, Ward 20.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 15, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works install electric arc lights on both sides of the New York, New Haven & Hartford Railroad bridge on Baker street, between Spring and Centre streets, Ward 20.

Upon investigation I find that the location mentioned is a very dangerous one, and it is quite essential that two electric lamps be installed.

I will have the necessary orders issued to provide the installation of these two electric lamps and the removal of an existing gas lamp.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## W. P. A. STREET PROJECTS, WARD 20.

The following was received:

City of Boston,  
Office of the Mayor, April 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the immediate construction work, as W. P. A. projects, on all streets in Ward 20 where the sewer work has been completed.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 20, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works immediately start construction work, as W. P. A. projects, on all streets in Ward 20 where the sewer work has been completed.

There are a considerable number of streets on approved W. P. A. projects for construction and reconstruction in Ward 20 this year in which sewerage works have been completed. To start all these streets at once would be impossible, as we would have to take men out of other districts to perform this work.

We try to distribute the men as equally as possible in the various districts of the city so the work can go along in each district.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## RESURFACING WARD 20 STREETS.

The following was received:

City of Boston,  
Office of the Mayor, April 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 20, 1939, concerning the resurfacing of the following streets in Ward 20 and to install sidewalks on both sides of same, the work to be done under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 20, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface the following streets in Ward 20 and to install sidewalks on both sides of same, the work to be done under the W. P. A. plan of construction: Cass street, Tappan street.

Tappan street has been submitted on a W. P. A. project for approval for resurfacing and the construction of tar sidewalks. I will also arrange to have Cass street submitted on a later project for the same kind of construction work.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## SIDEWALKS, WARD 16.

The following was received:

City of Boston,  
Office of the Mayor, April 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of February 14, 1939, concerning

the construction of sidewalks along Laban Pratt road and Arbroth street, Ward 16, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 18, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works construct sidewalks along Laban Pratt road and Arbroth street, Ward 16, under the W. P. A. type of construction.

A canvass of both these streets has been made, and the abutments have signified their intention of paying their proportionate share of the cost of this work, and when the necessary lien order has been approved in City Council to have artificial stone sidewalks installed arrangements will be made to proceed with the work.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## SIDEWALKS, HALL STREET, WARD 11.

The following was received:

City of Boston,  
Office of the Mayor, April 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the making of sidewalks along Hall street, Ward 11, as a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department April 21, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works make sidewalks along Hall street, Ward 11, as a W. P. A. project.

A canvass of this street has been made and the abutting owners have signified their willingness to pay their proportionate cost of the assessment on this street for the installation of edgestone and artificial stone sidewalks.

This street is being submitted for approval on a W. P. A. project for construction this year and there is an approved lien order on file in the City Clerk's office (approved by the Mayor under date of October 11, 1938).

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## RECONSTRUCTION OF MONADNOCK STREET, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, April 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the reconstruction with concrete, and under the W. P. A. type of construction, Monadnock street, Ward 13.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department April 21, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public

Works reconstruct with concrete, and under the W. P. A. type of construction, Monadnock street, Ward 13.

Please be advised that I will have this street submitted for approval on a W. P. A. project for reconstruction this year.

Respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.  
 Placed on file.

#### SIDEWALKS, WARD 20.

The following was received:

City of Boston,  
 Office of the Mayor, April 24, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the installation of sidewalks on South Walter and South Fairview streets, Ward 20, under the W. P. A. plan of construction.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department April 21, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works install sidewalks on South Walter and South Fairview streets, Ward 20, under the W. P. A. plan of construction.

Upon investigation I find that the sidewalks on South Walter street consist of tar and no change in their construction is necessary at this time.

A canvass of South Fairview street has been made and the abutments have signified their intention of paying their proportionate share of the cost of this work, and when the necessary lien order has been approved in City Council to have artificial stone sidewalks installed arrangements will be made to proceed with the work.

Respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.  
 Placed on file.

#### RESURFACING WALDEN STREET, WARD 10.

The following was received:

City of Boston,  
 Office of the Mayor, April 24, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 3, 1939, concerning the resurfacing, under the W. P. A. plan of construction, Walden street, Ward 10.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department April 21, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface, under the W. P. A. plan of construction, Walden street, Ward 10.

Upon investigation I find that a portion of Walden street, between Minden and Heath streets, is in good condition and in no immediate need of resurfacing. The part between Minden and Centre streets, approximately 1,000 feet, is in poor condition and I will have this section submitted for approval on a W. P. A. project for reconstruction this year.

Respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.  
 Placed on file.

#### RESURFACING OF SHERWOOD STREET, WARD 19.

The following was received:

City of Boston,  
 Office of the Mayor, April 24, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 3, 1939, concerning the resurfacing with smooth paving Sherwood street, Ward 19, under the W. P. A. type of construction.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department, April 21, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Sberwood street, Ward 19, under the W. P. A. type of construction.

Please be advised that I will have this street submitted for approval on a W. P. A. project for reconstruction this year.

Respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

#### RESURFACING STREETS, WARDS 6 AND 7.

The following was received:

City of Boston,  
 Office of the Mayor, April 24, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of April 3, 1939, concerning the resurfacing with smooth pavement West Sixth and Seventh streets, Ward 6 and 7, under the W. P. A. plan of construction.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department, April 21, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement West Sixth and West Seventh streets, Wards 6 and 7, under the W. P. A. plan of construction.

Please be advised that I will have the above-mentioned streets submitted for approval on a W. P. A. project for reconstruction this year.

Respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

##### Claims.

Dominic Basile, for compensation for damage to car by city truck.

The Berwick Cake Company, for compensation for damage to truck by garbage truck.

Frederick J. Curtin, for compensation for damage to car caused by an alleged defect in Morton street.

Mrs. Vera Shea Leary, for compensation for injuries caused by an alleged defect in Hanover street.

Henry Little, for compensation for damage to car caused by an alleged defect in Morton street.

Cornelius M. Lynch, for compensation for refund on ferry tickets.

Anne L. McCarthy, for compensation for damage to car caused by an alleged defect at 5 Washington street, Charlestown.



Nature Food Centers, Inc., for compensation for damage to property on Tremont street, caused by water from city main.

Josephine E. Ranney, for reimbursement by City Hospital for injuries.

#### Executive.

Petition of Josephine L. Killian to be paid annuity on account of death of her husband, Joseph D. Killian, member of Police Department.

Petition of Mary W. Boudreau to be paid an annuity on account of the death of her husband, Louis H. Boudreau, member of the Fire Department.

#### Committee on Ordinances.

Petitions for driveway openings were received from:

Edna Long, at 2870 Washington street, Ward 11.

Grace F. Shepard, at 22A Townsend street, Ward 12.

### FINANCE COMMISSION REPORT RE HOSPITAL.

The following was received:

City of Boston,

Finance Commission, April 17, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Honorable Sir,—The Finance Commission believes that some clarifying information is necessary at this time to answer adverse comment on the commission's report in regard to the nursing situation at the City Hospital. This adverse comment has come from a few who are undoubtedly interested in the good name of, and in efficient service at, the hospital, but who, nevertheless, missed some important points in the Finance Commission's discussion of the situation. The commission also believes that comment is called for in regard to a public statement from the trustees of the hospital, to the effect that no changes are contemplated in the nursing school as a result of the report.

Having in mind statements made by the trustees in the conference with the Finance Commission, at which you were present, the commission assumes that the later statement of the trustees means that no changes in executive personnel of the Hospital School of Nursing are presently contemplated.

The commission would like to recall to you that the report of the Finance Commission pointed to the need of changes in educational policy of the school. It did not suggest changes in the executive personnel. As a matter of fact, the report stated that the present Superintendent of Nurses and her staff are fully capable of making the changes suggested by the facts of the commission's report.

Substantial changes in curricula under the present personnel have already been brought about by the representations of the Massachusetts Board of Registration of Nurses. Surely, the influence of the trustees of the hospital must be as great with their subordinates in the nursing school as was the influence of the State Board. Therefore, if the trustees will it, further changes can be obtained without necessarily bringing into office a new staff of nursing school executives. The commission is content to leave the decision as to whether or not a new staff will replace the present staff to the trustees and to you. Nevertheless, the distinct impression made upon the members of the Finance Commission at the recent conference with the trustees is that it was agreed that changes in educational policy were called for, and would be made.

The commission believes that the convictions expressed by you of the soundness of the recommendations of the report will not be weakened by slight adverse comment on some particulars. Nevertheless, the commission desires to give you the reassurance that many nurse training school executives, many hospital executives (other than Boston City Hospital), and many men and women in high

standing in the medical profession have communicated with the Finance Commission since the publication of the report and have warmly commended the attitude taken by the commission. They have stressed the timeliness of it, because the facts disclosed in the report relate to one of the most troubling problems in hospital management all over the country at the present time—proper training of nurses. It is evident in these communications that it was the discussion in regard to the present nurse training—not the tribute to the medical record of the hospital—and the recommendations for changes in educational policy that interested most of these many commentators.

The commission desires to emphasize that the good reputation of the hospital rests entirely on its accomplishments in the fields of medicine, surgery and research. The extensive investigations of hospital management by the Finance Commission qualify the members to make this statement.

The question has been asked by some, if it is not consistent with the reputation and purposes of the City Hospital to encourage this idealistic training for nurses which has been the objective of the nursing school executives; also, if the results of this idealistic training will not enhance the reputation of the hospital and the standing of its nurses. To answer this question, it is not necessary to stress—as might be proper—the inability of the city to pay for it; or that it is not within the proper scope of the hospital's activities to develop in the field of nursing a counterpart to the Teachers College in the educational field; or, further, that the nursing profession should not be closed to any girls but the 11 per cent who become college trained.

The scientific value of this idealistic training has already been appraised by the chairman of the Massachusetts Board of Registration of Nurses and the executives of the Board. Their appraisal has been that it will not produce satisfactory nurses. Hence the warning that more emphasis on practical nursing and less on classroom instruction is necessary, if the City Hospital nurses are to be certified by the State Board.

Obviously, if the City Hospital Training School for Nurses is labeled officially as a school that does not produce nurses who will satisfy the requirements of the State Board, great harm will have been done to the reputation of the hospital. If such a denouement developed, the Training School for Nurses at the City Hospital would not be in keeping with the high standing of the hospital in the research and medical field.

The Finance Commission stated that the objective of the executives of the nursing school has been to develop a university school of nurse education. There are some colleges now which offer courses in nurse education to their students. Locally, Simmons College is one of them. Yale and Columbia also have nurse education schools. Practice in patient-care is merely incidental in these college courses. In contrast, the primary purpose of the City Hospital being to provide patient-care, the training of nurses there is incidental.

The aim of the university school of nursing, such as is mentioned above is to train executives for hospitals and for nursing schools, and to some extent to train specialists in nursing fields just as their medical schools train specialists in the practice of medicine. If the hospital schools of nursing are to follow the example set by these university schools of nursing, eventually the situation in nursing will be somewhat similar to that of an army that consists of colonels and generals, but no privates.

Good nursing is a general need at all times. To the person of small means it is as much of a necessity as it is to those of large means. If rates of pay of nurses are within reasonable limits, there is employment in the profession for a great number of young women.

Limitation of the opportunity to become nurses to the college-bred means denial of the opportunity to become nurses to many more than the majority of young women. The

result of such limitation will eventually mean a scarcity of nurses, and that only those who can afford to pay the high wages that the limited number can command, like \$15 per day, can have professional nursing attention outside a hospital. Those who cannot pay will either flock to the public hospitals, increasing the taxpayers' burden, or will just go without trained nursing care.

The chairman of the State Board of Registration of Nurses, the official authority in this state on nursing standards, has informed the Finance Commission that its report leaned too heavily on the side of fairness when the commission compared the educational requirements of the school of nursing at the City Hospital with the educational ambitions of the National League of Nursing Education. In a signed statement to the Finance Commission the chairman of the State Board has said:

"This National League of Nursing Education is the student curriculum instruction division of the American Nurses Association and represents a group striving for collegiate education for student nurses but, as a group, the National League of Nursing Education has no legal authority in these matters.

"Apparently, the measuring scale given to the Finance Commission . . . is not a legal requirement but a recommended program set forth by the National League of Nursing Education as a start towards collegiate courses for student nurses.

"The scale of hours for the six subjects, mentioned in the report of the Finance Commission, is based on the recommendations of a national group of propagandists for collegiate courses for student nurses and shows a recommended number of hours, ranging from 410 to 450, for six subjects as against a Massachusetts State required 204 hours of instruction in four of these subjects and no requirements whatever in two of them."

It appears from the above statement that the chairman of the State Board believes requirements of the National League of Nursing Education of New York City are higher than are justifiable. You will recall that in the six classroom subjects compared in the commission's report, the City Hospital Training School, strange to say, exceeded the number of hours of classroom instruction recommended by this National League of Nursing Education. Therefore, the Finance Commission deems it proper for your fuller information to compare the requirements of the Massachusetts Board of Registration of Nurses in these six subjects with the present requirements of the City Hospital Nursing School:

#### Massachusetts State Requirements.

Anatomy and Physiology, 60 hours; Bacteriology, 30 hours; Chemistry, 24 hours; Psychology, no hours; Sociology, no hours; Nursing Arts, 90 hours. Total, 204 hours.

#### Boston City Hospital Requirements.

Anatomy and Physiology, 142 hours; Bacteriology, 52 hours; Chemistry, 91 hours; Psychology, 50 hours; Sociology, 51 hours; Nursing Arts, 106 hours. Total, 492 hours.

Since under Massachusetts statute the City Hospital Training School must meet the requirements of the Massachusetts Board of Registration of Nurses, recommendations of unofficial organizations to the contrary notwithstanding, it seems to the Finance Commission proper that one of the first steps to be taken in straightening out this nursing school difficulty is that the trustees of the hospital should confer with the chairman of the State Board and its executive officers. A detailed discussion of the City Hospital situation in such a conference would reveal what is necessary to bring the City Hospital Training School for Nurses into line with Massachusetts requirements.

The commission believes also that your Honor should participate in this conference, so that you may be fully informed as to the financial cost involved and, with the city's financial condition in mind, determine whether or not, and how far, the cur-

riculum fixed as a minimum by the State Board may and should be enriched. Action is called for.

The trustees have asked for extra provision in the budget to permit the opening of a new maternity ward and another surgical or operating unit. It appears that both are needed, inasmuch as the maternity wards are overcrowded now and the resort to the use of cots in corridors has been necessary. Both these extensions will add to the patient-care requirements. It is imperative, therefore, to come to an early decision as to the future policy of the nursing school.

The commission will consider it particularly unfortunate if determination of the correct policy and execution of it is permitted to be shelved, as have been recommendations in the past for other needed reforms in management at the City Hospital. As stated once before in a Finance Commission report, the high medical and research standing of the hospital has been gained in spite of, not because of, the character of its management.

Respectfully submitted,  
DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCOLPNETI,  
JAMES H. FLANAGAN,  
The Finance Commission.

Placed on file.

#### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President MURRAY called up, under unfinished business, No. 3 on the calendar, viz.:  
3. Action on appointments submitted by the Mayor April 17, 1939, of weighers of coal, etc., and other minor appointments, being the annual list as contained in City Document 40.

The question same on confirmation. Committee, Coun. Irwin and Lyons. Whole number of ballots 12, yes 11, no 1, and the appointments were confirmed.

Coun. ROSENBERG—Mr. Chairman, for the Committee on Constables, I would call up No. 2 on the calendar.

No. 2 on the calendar is as follows:  
Action on appointments submitted by the Mayor April 17, 1939, of Constables connected with official positions to serve without bonds, being the annual list as contained in City Document 43.

The question came on confirmation. Committee, Coun. Rosenberg and McMahon; whole number of ballots 13, yes 13, and the appointments were confirmed.

#### ELEVATION OF BISHOP FRANCIS J. SPELLMAN.

Coun. CAREY offered the following:  
Resolved, That the City Council of the City of Boston, in meeting assembled, hereby expresses its pleasure and elation because of the elevation of Bishop Francis J. Spellman to the high and holy office of Archbishop of the New York diocese, and wishes for Archbishop Spellman many more fruitful years in the vineyard of the Lord, and continued health and strength to carry on the noble work to which he has devoted his life.  
Passed under suspension of the rule.

#### ACCEPTANCE OF CHAPTER 131.

Coun. ROSENBERG offered the following:  
Ordered, That chapter 131 of the Acts of 1939, entitled, "An Act Relative to the Disposition of the Accumulated Deductions of Deceased Members of the Boston Retirement System, so called, in Certain Cases," be, and hereby is, accepted.

Coun. ROSENBERG—Mr. President, this act pertains to the employees of the City

of Boston and county employees. It is to make it conform to the regulations concerning employees of other cities and towns, giving opportunity to those persons who want to do so to designate a beneficiary so that when a city employee passes on and there is a small amount left in the Retirement Fund it may go to his wife or next of kin, thereby relieving the expense of probate to those that have small sums left in the estate.

The order was passed under suspension of the rule.

#### BASEBALL DIAMONDS, FRANKLIN PARK.

Coun. TAYLOR offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to propose a W. P. A. project to construct baseball diamonds in Franklin Park.

Coun. TAYLOR—Mr. President, in Franklin Park we have a lot of available space for the children throughout the entire City of Boston to come and play. Unfortunately, we have there much space but no facilities for playing. There are five or six rough baseball diamonds, only one of which is perhaps in good order, and everybody is fighting to get that one diamond. As a result there is so much disturbance and so much rioting that many times the police are called to quell the disturbance. I feel that it would be a very good project for the Park Commissioner to construct in that park eight or nine good baseball diamonds, so that the children from the various districts of Boston can play out there and play in peace.

The order was passed under suspension of the rule.

#### OBLIGATORY RESIDENCE OF TEACHERS IN BOSTON.

Coun. SULLIVAN and HUTCHINSON offered the following:

Ordered, That the Boston School Committee be requested, through his Honor the Mayor, to request the Corporation Counsel for an opinion as to the legality of making compulsory the moving into Boston of non-resident teachers on the School Department pay roll; and be it further

Ordered, That in the event that the Corporation Counsel should find such action legal, the Boston School Committee be requested to instruct all such teachers to establish residence in Boston prior to the start of the next school year, and to inform all such employees, not now resident in Boston, that failure to comply with such request will be cause for their immediate dismissal, after October 1, 1939.

Coun. HUTCHINSON—Mr. President, after we had introduced an order in regard to school teachers living outside of the City of Boston, the chairman of the School Committee said that, in his opinion, it was not legal to stop them from living outside of the City of Boston and at the same time teaching in the city. However, after much research we are firmly convinced that it is within their power, and with the recent decision of Judge Ronan, and with the former opinion of the former Corporation Counsel of the City of Boston, we feel it is possible, and we also feel that the school teachers in the city should have enough civic pride to live in the city when they get their bread and butter from the city.

Coun. SULLIVAN—Mr. President, some weeks ago, Councilor Hutchinson and I introduced an order of similar effect in the Boston City Council. At that time we requested the members of the Boston School Committee to instruct all teachers on the Boston school pay roll, to move into Boston prior to October 1, 1939. The penalty for failure to do so to be a summary dismissal from the school system. The retort given by members of the School Committee at that time was to the effect that "in their opinion, a Corporation Counsel had voiced the opinion

that such a move would be illegal." Whatever beliefs there might have been that the promulgation of such an order would be illegal have been dispelled, I believe, by the recent ruling of Judge Ronan in a case of Lynch v. The Justices of the District Court of Somerville. In his findings relative to the legality of the dismissal of certain employees from the public service, Judge Ronan said: "Whatever may be the personal view of the respondents as to the wisdom or expediency of retaining or discharging such employees in the public service, is immaterial. The judgment of the Court is not to be substituted for that of the public official who is charged by the law with the exercise of such judgment. He is found to have acted in good faith. Unless it can be said as a matter of law that it is not proper cause for the dismissal from the public service, we cannot revise the action of the petitioner. Whether the public interest would be enhanced by the continuance of such employment is not entirely a judicial question. The adoption and enforcement of policies for the administration of local affairs, which are not shown to be inconsistent with law, nor violative of some legal right of a citizen, are beyond the reach of the Judiciary. Because I cannot say, as a matter of law, that reasonable men charged with the performance of such executive functions as was the petitioner,"—(and I presume that the same executive function are part of the duties of the Boston School Committee)—"could not fairly, or impartially, come to the same conclusion that he reached, I cannot rule that the assigned cause for the removals in question, was an improper or inadequate cause." While this opinion refers specifically to the dismissal of married women in the public service, I believe that the opinion voiced by Judge Ronan would apply as well to the dismissal of any employees on the public pay roll. No court would say, as a matter of law, that men elected by the people of Boston to represent the best interests of that constituency, empowered by their office to exercise the disposal of millions of dollars of Boston money annually and faced with the perplexing problem of telling the graduate body of Teachers College annually, that there is no place for them in the Boston School System, would be acting unreasonably in demanding that all on the school pay roll live in Boston. At this time money is being appropriated to attract conventions, with their followings, and resultant business, to Boston. It is inconsistent, to say the least, for a body, which has the power to add several millions to the purchasing power of the city, to refuse to do so. Now, as regards the opinion which the School Committee felt sustained the contention that such an action would be illegal, Chairman Henry Smith very graciously gave Councilor Hutchinson and myself a copy of that opinion. It was signed by the Corporation Counsel holding that office on July 22, 1936. The question, as to the validity of the action which we seek, was not discussed in that opinion. It referred solely to another matter. Councilor Hutchinson and I have the authority of that gentleman to state, that he did not rule on the question involved here, and gave us both reason to believe, in the event he had been asked to give an opinion on that matter, that he would have ruled that such action was legal. Exclusive of special classes, the City of Boston pays in salaries to nonresident teachers, in the grade and high schools, annually \$4,309,935 in salaries. In other words, the owner of a \$5,000 home himself possibly unemployed, is paying \$13 annually to keep teachers from Sterling Junction, Squantum, Ballardvale, Chelmsford, Greenwood, Wilmington, Duxbury, and the like, at work. Is it fair to the taxpayers of Boston, many of whom are themselves unemployed, bending under the weight of an unprecedented tax load, and making a terrific struggle to make both ends meet, should be asked to contribute to a substantial, and in some instances luxurious, living, for people living in Worcester, who pay not even a \$2.00 poll tax to the income of the City of Boston, and smile in a superior fashion when they leave the pay roll window with their loot, something they could

not get in a million years in their own town. Yet, Boston is not good enough for them to live in. We are not unaware that pupils in the Boston schools are deserving of the best teaching possible, and that the School Committee has an obligation to provide such, but the persons on the Boston school pay roll, resident outside of the city in nearly one hundred cities and towns in every part of the Commonwealth, will sacrifice none of their teaching qualifications while moving into the City of Boston, and if our Boston graduates of Teachers College are incapable of handling the teaching assignments in our Boston Schools, then the teachers from outside of Boston are not capable because fifteen non-resident teachers are on the pay roll at Teachers College, and are responsible for the product of that college. I am not unaware, either, that the argument will be used that reciprocal action will be taken by cities and towns outside of Boston against Boston residents on their pay roll. Councilor Hutchinson and I made a survey of this matter and we found that in one city, which contributes seventy of its residents to the Boston school teaching roster, who draw \$171,142 annually, that in their schools residents of their own city naturally rank first in the teaching positions. Residents of Belmont and Somerville ranked second and third respectively, and Boston was a poor fourth. This despite the fact that Somerville and Belmont have an aggregate population that does not minutely compare with Boston's, and neither community possesses a teachers college or normal school to add to its qualified teaching population. This results in either of two conclusions, one, that Boston residents are already militated against in the surrounding cities and towns, or, 2, that the fifteen non-resident teachers at the Teachers College are not qualified to turn out a product that ranks high on the teaching lists. In view of the foregoing facts, Councilor Hutchinson and I feel that the Boston School Committee will be acting in no wise unreasonably in the event that they adopt the action suggested. As regards the legality of the matter, we do not ask that hasty action be taken, we merely ask that as a proof of their sympathy and good will to the taxpayers of the City of Boston, to the youthful graduates of Teachers College, fully capable and qualified to teach, who haunt the employment offices daily seeking any type of legitimate employment, and to the businessmen of Boston, who are entitled to a business totaling nearly \$5,000,000 annually, that they first ask the Corporation Counsel for an opinion as to the validity of the action, and in the event that his ruling is affirmative that they act immediately. Needless to say, Councilor Hutchinson and I feel confident that the Corporation Counsel will sustain us in this matter.

At the request of Councilor SULLIVAN the following are included in the minutes of the meeting:

City of Boston,

Law Department, July 22, 1939.

Miss Ellen M. Cronin, Secretary, School Committee, 15 Beacon Street, Boston, Mass.

Dear Miss Cronin,—I have received your letter, dated July 7, 1936. It is my understanding that the School Committee wishes my opinion as to whether or not it may adopt a regulation to the effect that all teachers in the employ of the School Committee, including those on tenure, who, at the date of the passage of said regulation, are domiciled in the city of Boston, shall continue to live in said city and that failure to so do shall operate as resignation from the service.

Section 5, chapter 241 of the Acts of 1875, as most recently amended by section 2 of chapter 121 of the Acts of 1933, provides as follows:

*"The school committee shall have the supervision and direction of the public schools, and shall exercise the powers and perform the duties in relation to the care and management of schools which are now exercised and performed by the school committee of said*

*city, except so far as they may be changed or modified by this act, and shall have the powers and discharge the duties which may hereafter be imposed by law upon the school committees of cities and towns. They may elect teachers, and may discharge those now in office, as well as those hereafter elected.*

Section 38 of chapter 71 of the General Laws provides, with regard to the election of teachers by School Committees, as follows:

*"It shall elect and contract with the teachers of the public schools, shall require full and satisfactory evidence of their moral character, and shall ascertain their qualifications for teaching and their capacity for the government of schools."*

Section 41 of said chapter 71 provides, with reference to tenure of teachers, as follows:

*"Every school committee, except in Boston, in electing a teacher or superintendent, who has served in its public schools for the three previous consecutive years other than a union or district superintendent, shall employ him to serve at its discretion; but any school committee may elect a teacher who has served in its schools for not less than one school year to serve at such discretion."*

Section 42 of said chapter 71 provides, in part, that:

*"The school committee may dismiss any teacher, but in every town except Boston no teacher or superintendent, other than a union or district superintendent, shall be dismissed unless . . ."*

By virtue of the provisions of section 5 of chapter 241 of the Acts of 1875, above quoted, the School Committee of the City of Boston is vested with the power to supervise and direct the public schools of said city and, specifically, with the incidental power to elect and discharge teachers. These powers are confirmed in the School Committee by the above-quoted sections of chapter 71 of General Laws and the limitations, with regard to tenure and dismissal, applicable to school committees in other municipalities of the Commonwealth are expressly made inapplicable to the Boston School Committee.

Teachers not on tenure, even when retained by the School Committee on an annual salary basis have no right to employment for a specific time, and they may be discharged at any time during the year without breach of contract, provided, of course, that the reason for discharge is a proper one. This in *Knowles v. City of Boston*, 79 Mass. 339, the Court, in construing earlier but similar statutory provisions, stated at page 340:

*" . . . The fact that she was to receive a salary at a certain rate per annum, payable quarterly, was only a mode of fixing the amount of her compensation and the time of its payment, and did not imply a contract for employment for the entire year. Nor do the additional facts, that she as well as other teachers employed by the defendants were elected annually, and that she had actually entered on a new year's service, prove a special contract for a whole year's services. They only show that the mode of selection of teachers by the city was to make choice of them annually, and that they usually continued in employment in pursuance of such selection for the year ensuing. But such an employment, in the absence of express stipulation, must be deemed to have been entered into under the provisions of the statute, which give the right to the school committee to terminate it at any time. . ."*

While the statutory provision for tenure is inapplicable to Boston, provision has been made by the regulations of the School Committee therefor. Tenure, so provided for, however, means no more than an appointment for an indefinite period. It obviates the necessity for periodic reappointment. (Cf. section 41 of said chapter 71 and see *Paquette v. Fall River*, 278 Mass. 172.) Tenure does not establish employment from year to year or prevent dismissal when authorized by section 5 of chapter 241 or section 42 of chapter 71, above referred to. (Cf. *Paquette v. Fall River*, supra.)

It is clear, therefore, that teachers in the Boston public schools, whether or not appointed on tenure, hold their employment subject to the right of the School Committee to terminate the same. The right to terminate such employment is not limited to instances where teachers have committed some fault or neglect in the performance of their duties (*Knowles v. City of Boston*, supra, page 340) or have conducted themselves immorally or in a manner unbecoming a teacher, or to instances where the exercise of such right was made advisable by an actual decrease in the number of pupils in the schools. (*Sheldon v. School Committee of Hopedale*, 276 Mass. 230.)

As stated in *Knowles v. Boston* (supra), at page 340:

" . . . The power is conferred in the most general terms, and is to be exercised whenever in the judgment of those to whom it is committed the public good for an cause requires it. Of this they are the exclusive judges."

and in *Sheldon v. School Committee of Hopedale* (supra), at page 235:

" . . . Nevertheless, faithful service, good morals, ability in his profession, on his part, are not conditions upon the powers of the committee. If in its judgment the welfare of the schools so requires and . . . It decides to dismiss, the dismissal is valid."

See, also, *Rinaldo v. Dreyer et al.*, Mass. Adv. Sh. (1936) 843.

The violation of a reasonable regulation of the School Committee would, therefore, in my opinion clearly justify the discharge of a teacher. (*Rinaldo v. Dreyer et al.*, supra.) A regulation that all teachers employed by the Boston School Committee who, at the time of the passage of said regulation, are domiciled in the City of Boston shall continue to live in said city is, in my opinion, within the competency of the School Committee and, if adopted, would, in my opinion, be valid. The powers of the School Committee are broad and if, in their opinion, the interests of Boston schools justified such a rule, their determination could not, I believe, be successfully attacked in the courts. It is within the bounds of reason to conclude that the interests of the schools will be promoted by a regulation restricting, generally, teachers in the schools of the city to a domicile in the city. (Cf. *Sheldon v. School Committee of Hopedale* supra.) The failure to include in the mandate of the regulations, teachers not then domiciled in Boston, seems a reasonable exception to avoid hardship and not an arbitrary inconsistency.

The question of the validity of a provision in such regulation, however, that failure to maintain the required domicile in Boston should operate as resignation from the service is more troublesome. (See *Rinaldo v. Dreyer et al.*, supra, at 845.)

It is probable that such a provision would be construed to mean that if a teacher should fail to maintain the required domicile, such failure would automatically terminate the teacher's employment. As the question of whether or not such a change of domicile had occurred in a particular case is a most complex one, such a provision would create, if valid, great difficulties of administration. Questions as to whether or not persons once duly appointed as teachers were still employed as teachers and as to whether or not persons were paid for teaching who were not entitled to be paid, would tend to create frequent confusion. Apart from this practical difficulty, there is a legal difficulty. The School Committee have a power of discharge in their discretion. It is my opinion that, under such a power, they cannot provide for automatic termination of service for violation of a regulation.

The term "resignation," when applied to employment, ordinarily means an indication of a desire to withdraw from service. If the suggested provision is construed as meaning that failure to maintain the required domicile shall be taken to indicate a desire to withdraw from service, rather than, that

upon such failure, service shall terminate, it would seem to have little value. Continued service in the schools after such change of domicile or any other indication of intent to continue in service would negative the implication arising from change of domicile and there would be no resignation. Of course, a power of discharge in the School Committee would continue and could be exercised but, in few cases, could the "resignation" be safely acted upon.

In view of the foregoing, it is my opinion (1) that the School Committee may, if they deem such action will serve the best interests of the school system, adopt a regulation to the effect that all teachers employed by them, including those on tenure, who, at the date of the passage of said regulation are domiciled in the City of Boston, shall continue to live in said city, and (2) that the School Committee may discharge teachers, whether or not on tenure when the regulation was adopted, who violate such regulation. It is, however, my opinion that a further provision in such regulation that failure to maintain a Boston domicile shall operate as resignation from the service is invalid if it contemplates (as it probably would be held to contemplate) automatic termination of service and would, even if valid, create most undesirable complexities of administration and is of little value and tends to confusion, if it does not contemplate automatic termination of service. (Compare in this connection clause 12, section 265, of the Regulations of the School Committee (School Document No. 7, 1934).)

Very truly yours,

HENRY E. FOLEY,  
Corporation Counsel.

COMMONWEALTH OF MASSACHUSETTS.

Midd. ss. Supreme Judicial Court.  
No. 1236.

John J. Lynch, Mayor of Somerville,

v.  
Justice of District Court of Somerville.  
Rulings and Order.

This is a petition for a writ of certiorari to quash the proceedings ordering reinstatement of six persons who were holding positions in the classified service of the City of Somerville and who were removed by the petitioner. The respondent found that the only reason for their removal "was that they were married women whose husbands were gainfully employed," and that they were removed without proper cause, although I believe that the respondent (the present petitioner) acted in good faith.

No question is raised that the removals were not effected in the manner prescribed by the statute, G. L. (Ter. Ed.), chapter 31-43, but the right to remove for the aforesaid cause is challenged. It was the duty of the respondent to sustain the action of one removing authority unless he found that it was made without proper cause or in bad faith. G. L. (Ter. Ed.), 31-45.

The law imposed upon petitioner the power to remove for a just cause. Whatever may be the personal view of the respondent as to the wisdom or expediency of retaining or discharging married women in the public service, is immaterial.

The judgment of the Court is not to be substituted for that of the public official who is charged by the law with the exercise of such judgment. He is found to have acted in good faith. Unless it can be said as a matter of law that the marital status of a woman whose husband is gainfully employed is not proper cause for the dismissal from the public service, we cannot revise the action of the petitioner. Whether the public interest would be enhanced by the continuance of such women in public employment is not entirely a judicial question. The adoption and enforcement of policies for the administration of local affairs which are not shown to be inconsistent with law, nor violative of some legal right of a citizen are beyond the reach of the Judiciary.

Because I cannot say as a matter of law that reasonable men charged with the per-

formance of such executive functions as was the petitioner, could not fairly or impartially come to the same conclusion that we reached, I cannot rule that the assigned cause for the removals in question was an improper or inadequate cause.

An order is to be entered ordering the writ to issue.

JAMES J. RONAN, J. S. J. C.

March 7, 1933.

NON-RESIDENT EMPLOYEES IN THE BOSTON SCHOOLS (GRAMMAR SCHOOLS).

City or Town.	No. of Employees.	Aggregate Salaries.
Abington,	1	\$2,400
Arlington,	35	\$42,864
Auburndale,	3	\$6,624
Ballardvale,	1	\$2,400
Belmont,	15	\$43,056
Beverly,	1	\$2,400
Braintree,	9	\$22,358
Bridgewater,	3	\$9,600
Brockton,	2	\$6,912
Brookline,	52	\$165,658
Cambridge,	70	\$171,142
Canton,	3	\$9,312
Chelsea,	6	\$14,112
Chelmsford,	1	\$2,208
Clinton,	1	\$2,688
Cohasset,	1	\$2,496
Dedham,	18	\$44,752
Everett,	7	\$16,032
Frammingham,	5	\$11,712
Greenwood,	1	\$2,304
Hingham,	3	\$6,483
Holliston,	1	\$2,304
Hudson,	1	\$2,304
Lexington,	5	\$14,016
Lincoln,	1	\$2,304
Lowell,	2	\$4,704
Lynn,	2	\$6,912
Malden,	18	\$41,807
Mansfield,	1	\$4,704
Marlboro,	1	\$2,592
Medford,	42	\$104,832
Melrose,	12	\$27,936
Milton,	60	\$113,276
Nahant,	1	\$2,400
Natick,	9	\$27,168
Needham,	3	\$9,504
Newton,	36	\$93,600
Norfolk,	1	\$1,920
North Easton,	1	\$2,304
Norwood,	4	\$10,896
Peabody,	2	\$5,088
Quincy,	42	\$88,146
Randolph,	4	\$9,696
Reading,	2	\$7,290
Revere,	2	\$4,224
Rockland,	10	\$19,392
Salem,	6	\$12,768
Saugus,	1	\$1,920
Scituate,	2	\$4,704
Somerville,	36	\$88,080
Squantum,	1	\$2,400
Sterling Junction,	1	\$2,304
Stoneham,	1	\$2,304
Stoughton,	2	\$4,992
Waban,	1	\$3,072
Walpole,	2	\$5,384
Waltham,	8	\$21,408
Watertown,	32	\$67,030
Wakefield,	2	\$7,392
Wellesley,	8	\$19,808
Westboro,	2	\$4,512
Westwood,	1	\$2,304
Weymouth,	15	\$34,272
Whitman,	1	\$2,400
Wilmington,	1	\$1,920
Winchester,	8	\$21,600
Winthrop,	20	\$48,921
Woburn,	5	\$11,904
Worcester,	1	\$3,888

Total salaries of non-resident employees in Boston Schools:  
 Grammar grades.....\$3,071,833  
 High Schools.....1,238,102

Total.....\$4,309,935

The order was passed under suspension of the rule.

ABATEMENTS TO WIDOWS, ETC.

Coun. TAYLOR offered the following:  
 Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to initiate legislation in the Legislature which would transfer from the Board of Assessors to the Welfare Department of the City of Boston the power to grant abatements to widows and people in poor financial circumstances.

Coun. TAYLOR—Mr. President, it appears to me that the present system of granting abatements to widows and to other people unable to pay their taxes under Clauses 17 and 18 before the Board of Assessors is an antiquated system and should be changed. It really does not come within the province of the Assessing Department, as it is a relief and social problem rather than an assessing problem. In order to properly grant such abatement it is necessary to investigate each case properly and the Assessing Department has no facilities for any proper investigation. These abatements are granted to widows and others unable to pay because of poor financial circumstances, and in most cases the Assessing Department must rely upon the statements of the applicant without any investigation, and also must rely upon the judgment of the Assessing Department. As a result, great injustices are rendered in many cases, not only against the applicants but against the city itself. The Welfare Department is in a better position to handle these cases. They have the proper investigating facilities, and can determine more easily and with greater justice the merits of each case. I am impelled to present this order because of certain happenings which I have experienced with one of the assessors, namely, Mr. Dowling, who in my opinion handles these cases with a cold-blooded and unsympathetic attitude towards the poor widows and people in poor financial circumstances. I wish to call the attention of the Council to two recent cases, one of which I mentioned before, where a poor widow, who was a cripple and who had received the abatements for many years back, was denied her abatement because she failed to make application before October 1, although in the past it was never the policy of the department to compel widows to file their applications before that date. She received no notice from the Assessing Department to file her abatement, and it was only through a great deal of trouble and after I was forced to see another member of the Board, that I was able to secure an abatement for her under Clause 18. Another most pathetic case which I wish to call to the attention of the City Council is of a poor old widow living in Roxbury, whose husband died about six months ago. At the time of his death they were both receiving old age pensions totaling \$50 a month. After he died the widow received only \$25 a month. Her son, who had formerly been on the W. P. A., is now confined to the Foxboro State Hospital with an incurable illness. Her daughter, who lives with her, is unemployed. Except for \$20 which she receives as rent income and the \$25 a month of old age pension, she has absolutely no income. The only possession she had left to her name was the house in which she has lived for the greater part of her life. A co-operative bank holds the mortgage upon this home, and this bank compelled the woman to scrape together, by begging or borrowing, the money in order to make the monthly payments, so that she could keep her home. The bank has threatened now to foreclose unless the 1937 and 1938 taxes are paid. Of course she has no income with which to pay them. A despicable suggestion was made to her, that she mortgage her furniture, her only and last possession, in order to pay the taxes, and Mr. Dowling was of the opinion that if she could mortgage her furniture she should do so in order to pay the City of Boston its taxes. He refused to allow any other abatement except the regular widow's abatement of \$2,000 a year. As a consequence undoubtedly the bank will foreclose.

Eventually this family will have to go on the welfare and will probably cost the city much more than if they had abated her taxes. I wish to state here that the majority of the assessors are fine, understanding men, who are sympathetic in cases of this kind, but my experience with Mr. Dowling convinces me that he is not the type of man to handle such cases. Although he has lived off the taxpayers for many years, and although he has spent several weeks recently basking in the sunshine of Florida on the taxpayers' money, and while he is always willing to lend a sympathetic ear to the big real estate owners and banks in giving substantial amounts of abatement to the banks and corporations, he turns a deaf ear toward the widows and the people in poor financial circumstances in their appeals for assistance in cases of this kind. Mr. Dowling is now and has been for many years connected with a bank in the City of Boston. His interests in the bank and with the city must be conflicting. His connections with the banking interests for many years will not allow him to render just decisions on abatements, and of course the city must be the loser. I demand that Mr. Dowling resign. His connections with the banks all his life make him unfit to handle these cases justly, and since it is within the province of a man of this type to deal out injustice to the poor widows, it is better that the system be changed and be transferred from the Board of Assessors, who are now burdened with abatements of value, and turned over to the Welfare Department, which is in a better position to understand the problems of these poor people.

Coun. FITZGERALD—Mr. President, I did not get the gist of everything the councilor said, but I think it is very unfair to deliver this tirade on Mr. Dowling. He is only one member of that Board. I have always found him to be a very charitable man and a man with a heart, in my dealings with him. I think it is very unfair that he should be selected as the target when there is a board of five men. I think it is unfair, and I am sure the councilor must have been given wrong information by somebody.

Coun. TAYLOR—Mr. President, I would like to make one statement. Perhaps the councilor from Ward 3 went to Mr. Dowling representing some bank or some large corporation, but I wonder if he received the same treatment when he went there seeking assistance for some poor widow.

Coun. FITZGERALD—Mr. President, I would not be ashamed if I had gone to the Board of Assessors for a bank or a corporation, as I think they are entitled to some consideration as well as everybody else in the community. But I am very sorry to say that I have no client in the banking world to get any abatements for. I am not a lawyer; I am only a plain layman.

The order was referred to the Executive Committee.

#### NON-ADVERTISING OF PROPERTIES.

Coun. KERRIGAN and McMAHON offered the following:

Ordered, That the City Collector be requested, through his Honor the Mayor, not to advertise for sale any properties during the present year because of unpaid water bills.

Passed under suspension of the rule.

#### INFORMATION FROM HOSPITAL TRUSTEES.

Coun. WILSON offered the following:

Ordered, That the trustees of the Boston City Hospital, through his Honor the Mayor, be instructed to comply with request for certain information in accordance with City Council orders passed February 20 and 27, 1939.

Coun. WILSON—Mr. President, with reference to this order, and despite the fact that the City Council has been subjected to severe criticism in some quarters by editorial writers in the Boston newspapers, I am still stubborn enough—you may put it that way—to be of the opinion that the Board of Directors of the City of Boston still has some interest in the running of the various departments, and the more important the department and the bigger the service that the department is supposed to render to the poor and the unfortunate of Boston, the greater the duty upon the members of that Board of Directors. Now, back as long ago as February 20 I introduced what I felt at that time was a fair order in the Council, requesting certain information from the trustees of the Boston City Hospital, followed by a supplementary list of further questions on the 27th of February. Both requests were some two months ago. I felt that, in fairness to the Council and in fairness to the trustees, it was not entirely necessary that the trustees be summoned in but that they should have a chance to have the questions, which I felt were fair questions, to look them over and to decide what sort of answer they wanted to make. Because of the reported increase in sickness, and because of the Finance Commission of the City of Boston, which had been investigating that situation for some time and desired an opportunity first to make its report, I of course in all sincerity and fairness have not pressed for an answer to these questions. But they have got me all wrong, Mr. President, if they think that I have forgotten the questions, and they have got me all wrong, if they think that I have dropped the subject that was brought up on the 20th of February. The only thing that can make me drop that is being struck dead between now and the time I get the answers. According to the charter, the proper method of asking for information by a member of the Council is to submit questions to the department head through the Mayor in writing. That step has been followed. The next step, if the information to which not only the Board of Directors of the city but the public is entitled is not received, is to summon in the authorities of the Boston City Hospital and to put them under oath, and if they won't come in to bring them in, and I serve notice here today that, so far as the law permits that procedure to be followed, that is the way it is going to be done. I now give notice to the trustees of the Boston City Hospital that I just want to do my duty, and if there is any power under the charter, any power under the statute, if they have not got the decency to give, not to me or to the Council but to the public and the taxpayers of the City of Boston, the information which we have asked for, then we will bring them in here if the law gives us the power. This matter has been tossed around in the government of the City of Boston long enough. It is largely because of its own fault. We get up here in an endeavor, without too much power, to fix public attention on some crying need or some mismanaged department of the City of Boston, and they toss us around and they shadow box and something comes up and we let it slide. We have got too few powers as it is. There have been petitions filed in the Legislature to change the complexion of the City Council, to make it a council of nine or a council of eleven, to do away with the council of twenty-two. As a matter of fact, unless this Council is given wider powers, unless, for example, at least by a unanimous vote it can override the veto of the Mayor, instead of changing it from a council of twenty-two to a council of nine they ought to abolish us; and they certainly should abolish us if we forget our duties to such an extent that when public desire and public interest demands that we bring in the heads of any such department to answer pertinent questions, we fail to follow through. If we forget under those conditions, we ought to be abolished. Now, I understand that an

answer is coming through from the Corporation Counsel I assume what I thought as a member of the bar was the situation is still the situation, with reference to the Boston City Hospital, because I had in mind that way back in 1853, before any of us were born, the act which authorized the City of Boston to establish a City Hospital, the language of the Legislature under which we appropriate millions of dollars a year for that institution, by virtue of which we educate nurses, by virtue of which we allow doctors out of medical school to complete their education, by virtue of which people in the City of Boston have readily accessible the facilities for the best hospital in the country—that act read this way,—“That the City of Boston was authorized to erect, establish and maintain a hospital for the reception of persons who, by misfortune or poverty, may require relief during temporary sickness.” Now, if the trustees of the Boston City Hospital, or any official in the City of Boston, wants to start getting technical with the councilor from Ward 17, if they want to start something, if they want to be technical and try to tell me what my legal rights are as a member of the Council, then it is time we got technical, and I say to the trustees of the Boston City Hospital and I say to those in authority over that hospital, for years you have been running that hospital illegally under the terms of the statute on which it was founded. It was founded for the temporary relief of the poor and the indigent and the unfortunate of the City of Boston. You have been using a large portion of the funds in the hospital for those people who could pay for it and not just for emergency cases that happened to be carried in there. It has not been used to a great extent for the poor and the unfortunate of Boston. You have not only allowed the entry of doctors there supposedly for assistance of the poor of Boston but you have made the position of many of those staff doctors at the City Hospital worth thousands of dollars a year, not from an educational viewpoint but through an opportunity to have their private patients there, with the most modern of instruments and paraphernalia that science can conceive. You have made it a pretty sweet proposition for many of the doctors. Not all of them, but many of them have been basking in the praise that they are giving their services to the poor, when as a matter of fact they have been coupling their services to the poor with a pretty sweet practice of their own. This institution, being made for the poor of Boston and for the further education of persons who are giving their services, has made it possible for a large number of the staff doctors in the City of Boston to be on the pay rolls of the insurance companies of Massachusetts and to get around the provisions of the law, so that they can get a report of the accident, the condition or the treatment of the patient, before the man's own lawyer can get the statement of the man who has been injured. And those people on the pay roll of the insurance companies of Massachusetts are not only able to get the story of the unfortunate who is carried to the hospital after an accident, but they get his report, and they go farther than that, Mr. President, they sit at the man's bedside in the department in which they have no business and speak to that man even before his own legal representative can get the authority to see him. I agree that much good is done at the Boston City Hospital; I know that thousands of doctors have shortened their lives by the service which they have given there. I know that many an employee there works long hours in this great work. I know that so far as the facilities go, it is one of the best if not the best hospital in the United States of America today. But, like a lot of other departments, like the Welfare Department, to a certain extent in years gone by, the service rendered to the poor, the service rendered by the honest and the ethical, has been a cover for some nice little rackets by others who have no place

there. So I return to the purpose of this order, Mr. President, and I again serve notice that we have waited since the 20th of February. I think we have been courteous. I think we have been diplomatic. I think we have been fair. The original charge made was, not necessarily that there were not enough nurses at the Boston City Hospital, because we are not experts any more than the trustees have turned out to be experts. They were questions directed to obtain facts on which we could perhaps make a layman's judgment. The charge was not that necessarily there were not enough nurses. The charge which I made on the floor of this Council, however, in February was that there were not enough nurses on bedside duty at the Boston City Hospital, and that nurses at the Boston City Hospital, especially on night duty and especially student nurses, were working under sweat shop conditions. And with all the favorable editorial comment on the report of the Boston Finance Commission, and with all the comment that has been made by those who are so proud of the hospital, and with all the findings of fact that have been produced, I do not take back one word that I said on the floor of this Council chamber two months ago. They have all agreed from top to bottom—officials, administrators, head nurse, Finance Commission—that there are not enough nurses at bedside duty at the Boston City Hospital, and that they are serving longer hours than in any other hospital in the United States of America today, and that is all that I claim. And I once more, Mr. President, serve this notice, that I will give the trustees of the Boston City Hospital until one week from today to answer those questions, and if they do not answer them, if there is any power on earth or in the law which gives us the right that I think still rests in the Council, we will bring the trustees in here under summons and get the answers.

The order was passed under suspension of the rule.

#### DEMOLITION OF ATLANTIC AVENUE STRUCTURE.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel, through his Honor the Mayor, record with the appropriate committee of the Massachusetts Legislature the resolution, unanimously passed by the City Council on March 6, 1939, calling for the enactment of such legislation as shall at once cause the so-called elevated loop to be promptly demolished and removed; and further

Ordered, That his Honor the Mayor be requested to instruct the Corporation Counsel to vigorously urge the adoption of such legislation as may be necessary or advisable to hasten the demolition of the elevated structure on Atlantic avenue, in order that such abandoned structure shall neither continue to be a traffic obstruction nor be improperly included as an alleged asset of the Boston Elevated Railway Company in any proceedings regarding said Company and its business.

Ordered, That the Building Commissioner, through his Honor the Mayor, be requested to comply with request contained in City Council order of March 6, 1939, with reference to condemnation and demolition of the Atlantic avenue structure of the Boston Elevated Railway Company abandoned in October of 1938; and further

Ordered, That his Honor the Mayor be requested to promptly proceed with condemnation of said structures.

Coun. WILSON—Mr. President, a few weeks ago—March 6, to be exact—this Council was kind enough to unanimously pass an order which I introduced, calling upon the Building Commissioner, through his Honor the Mayor, to condemn that part of the elevated structure,



now abandoned, known as the Atlantic avenue loop, and the Council also passed other orders along the same line. I read in the public prints that the Corporation Counsel of the City of Boston—who, as I visualize it, is not only perhaps the personal legal representative of the Mayor but also the legal spokesman, so far as the law goes, perhaps, of the City Council, and also the paid legal representative of the taxpayers of the City of Boston—did follow our desire, and I understand recorded the city as opposed to the bill which would make this off-season Christmas offering to the Elevated stockholders in the form of a purchase of the stock. I understand that at the hearing, however, he said he would pass over the question of the Atlantic avenue loop structure, and if I read the papers correctly I don't know whether it was his personal opinion or whether he desired to record the Mayor as in favor of taking the Elevated by eminent domain. Now, of course, what we asked him to do was, in any event, to record the directors of the city as against purchasing the Elevated stock. I am frankly not prepared to state whether my personal feeling would be that the Elevated should be taken over by eminent domain, or, more properly, be forced to seek the relief which they should seek under the provisions of the bankruptcy law. The thing I am particularly interested in is the matter of the Atlantic avenue structure. I am still intensely interested in it, and I think that the members of the Council are, and I think that the taxpayers of Boston should be intensely interested in it. The Atlantic avenue structure as recently as a year ago was valued on the books of the Boston Elevated Railway Company at over three million dollars. The road last October wholly abandoned the Atlantic avenue structure, so that for practical purposes in the laymen's mind this three-million-dollar item on the books of the Elevated is so much junk. But, of course, those persons who desire to see the stock of the Elevated purchased, and even those persons who might wish to see the Elevated taken by eminent domain, would naturally prefer to see the elevated structure remain on Atlantic avenue so as to have another item with which to dicker. I feel that my duty, primarily, Mr. President, is to those taxpayers of Boston who this year, in view of last year's deficit, will pay not less than one dollar a thousand on every piece of taxable property in the City of Boston as a result of the Elevated deficit, which has reached an all time record high. All services have been discontinued on the Atlantic avenue line, and I feel that under the law the Atlantic avenue structure, in the middle of a main city highway, having been abandoned since the first of October, there rests a power in the Building Commissioner, under instructions of the Mayor of the City of Boston, to take steps, by condemnation or otherwise, to force the demolition and removal of that structure, which is a menace to traffic, a menace to health, and which should be torn down. They are now holding hearings at the State House and influences are forcing events to a point where there will be a question of buying stock or perhaps talking by eminent domain and fighting away from eventual bankruptcy, and, as I have stated, they want to keep the Atlantic avenue junk pile on the books as one of the assets of the Elevated road to the tune of three million dollars. I think that the time has come to call the bluff, I think the time has come to condemn the structure, to show up that phoney asset of the Elevated, and to do away with it for good. The order was not introduced here on the 6th of March as any gesture; it was not introduced merely to focus public attention on this particular item; it was introduced by me, and I assume passed unanimously by the Council, in order to urge the Mayor successfully to do something about it, and I again reiterate and urge upon him to close that issue before the Legislature reaches the point where they vote on the eventual disposition of the Elevated question in this year's session.

The orders were passed under suspension of the rule.

## INDEPENDENT AUDIT OF ELEVATED BOOKS.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor, as chairman of the Metropolitan Transit Commission or otherwise, be requested to take all steps which may be necessary or advisable to assure an independent and detailed audit of the books of the Boston Elevated Railway Company and a study of the amount and probable illegality of the deficit charge annually assessed against the various cities and towns in the Metropolitan district after alleged depreciation deduction.

Coun. WILSON—Mr. President, I do not want it to appear for one moment that I have any particular axe to grind with the Boston Elevated Railway Company. The reason for these various orders at this particular time is in view of the fact that this is the first time since 1918 that some of those influences behind the Elevated have had the courage to wander up and get their noses anywhere near the trough. I realize that the year 1939 so far as the Boston Elevated is concerned, and the year 1939 so far as the car riders and the taxpaying public is concerned, is the most important year in the history of Massachusetts and the City of Boston so far as transportation is concerned since the year of the big steal. Now, I understand, Mr. President, that there never has been a detailed, independent audit of the books of the Boston Elevated Railway Company since 1918, and, as I understand it, we are presented with an Elevated report which showed a deficit which has been gradually creeping up from a matter of a quarter of a million or a half million to a million and a half, and this year to over two million. There is a lot of screeching by men in public office, and there are a lot of tears by taxpayers unable to pay their bills, and nothing is done about it. The deficit that we get on the annual report of the Elevated is the result of various figures, many of which I have a hunch might not pass the average audit, and I mean by that, charges are made for depreciation far in excess of proper valuations, and undoubtedly far in excess of those charges for depreciation which made back in the days when the stockholders were holding the bag and not in the days when the public was filling the bag for the stockholders. And so I urge in this year, when the deficit has reached a bold and an all time high, that the time has come when somebody should look over the books besides the accountants for the Elevated. I have before me a letter from the Honorable Roscoe Walsworth, a member of the Metropolitan Commission, written to the Hon. Maurice J. Tobin on the 20th of July, 1938, on this broad subject. I realize that this past year the Mayor was starting in as the mayor of a great city under most discouraging circumstances, and I realize he worked to a stage where his health at one time was really undermined and affected. I understand that he is now back in fighting trim, and I think that the suggestion that was made on July 20 he undoubtedly will comply with at the present time. Realizing that the letter may have been lost—because there are thousands of letters which come in the mail to the Mayor's desk—I am going to ask that a copy of the letter of July 20, 1938, from Mr. Walsworth to the Mayor of the City of Boston be included in the record.

President MURRAY—If there is no objection the letter may be included in the record.

The letter referred to reads as follows:

100 Milk Street,

Boston, Mass., July 20, 1938.

Hon. Maurice J. Tobin,

Chairman Metropolitan Transit Council.

My dear Mayor Tobin,—Your commendable interest as Mayor of Boston in the proposed public purchase of the Elevated common stock, and the recent meeting of the Metropolitan Transit Council, called by our commission, emphasize a point which has long troubled me, the regular annual "deficit in the public management and operation of the Boston

Elevated." Something ought to be done to check this deficit and it seems to me this Council, under your Honor, opens the way for the best results.

The report of the deficit usually brings out a few oral protests but it is as regularly charged back onto out taxpayers, without other excuse or explanation. This has been going on for nearly twenty years and in its total has reached a rather staggering sum for a transit service which is not beyond criticism and which was on its way out in 1913 when the public took it over for rebuilding purposes. The service and the cost have been increased in this rebuilding but so has the price of the Elevated common stock which in turn if there is a purchase, will be added onto the public, a kind of double payment for the taxpayer.

So far as I recall there has never been an inquiry nor a study of these deficits and their causes made or attempted directly by or in behalf of those who pay, by which I mean the citizens of our Metropolitan Transit District represented by the mayors and selectmen.

There may have been audits of the accounts but it seems to me the situation calls for something more. In the first place the study should be controlled by and open to those who are taxed, and in the second place it should be a complete and thorough study and analysis covering the whole financial classification and set-up as affected by the operation and the service in our various sections. Let us get the whole picture out in the open as taxpayers find it. If the deficit is justified then at least it will be some comfort, and if not justified then appropriate action can be taken for the protection of the taxpayers of the Transit District.

Such a study now, moreover, would be a valuable contribution on the pending question of the price and value of the Elevated common stock in case of a public purchase. This is a serious matter, as you have pointed out, not only for Boston but for every city and town in the district. It is of the utmost importance for the public that every city and town under the Elevated System should be tied into this problem and its study and its answer. Boston should not face it alone. Your Metropolitan Transit Council, under your leadership, offers a common interest and approach.

If this proposal, with its double aspect, has merit, an informal call or a memorandum from your honor to the members would at least initiate a discussion of this situation and it would bring the whole matter to the attention of all of those interested directly in the problem of the service and deficit, and in the related issue of the price to be paid if the common stock is to be purchased under legislative authority. Certainly the taxpayers need all the protection they can be given, if history means anything.

May I add I am sending this from my personal viewpoint as a trustee of the Boston Metropolitan District, but I have not submitted it to the other trustees, for there may be some question about our authority to act officially.

Respectfully,  
ROSCOE WALSWORTH.

The order was passed under suspension of the rule.

#### PUBLIC HEARING FOR TAXPAYERS ON BUDGET.

Coun. WILSON offered the following:

Ordered, That the Boston City Council hold a public hearing on Monday afternoon, May 1, 1939, at which time civic organizations, and the taxpayers of Boston generally, shall be invited to present constructive suggestions for reducing the budget for the current year.

Coun. WILSON—Mr. President, my suggestion would be—and I don't want to take too much time, although I think these subjects are somewhat important—that this order be sent to the Executive Committee. I bear in mind that there is some sort of

a hearing in this hall, I believe next Tuesday. I don't know anything of the plans for the meeting. I don't know whether primarily it is an indignation meeting or a meeting to point out to the Council what we possibly all realize,—that the finances of the taxpaying public are very near the breaking point. The thing that I have in mind is that the Council, not in the nature of a post-mortem after the damage is done but in the nature of obtaining information, should invite the public to attend a public meeting before the City Council in this hall prior to the passing of the budget, at which time the only question before the house would be such constructive suggestions as any civic leaders or members of the public desire to make to the Council, and especially to the Committee on Appropriations, with reference to the deductions in the budget. Personally, as one who has been in office for a good many years, the time when I prefer to hear comment concerning a vote on the budget or any other matter is before the vote and not afterwards. I believe in giving those who may have constructive suggestions an opportunity to say their piece in the nature of help and not in the nature of criticism, and it is with that in mind, before we pass on the budget, that I thought it perhaps advisable that this Body should give the civic leaders in Boston and the public an opportunity, as I say, not to tell us how hard times are, not to tell us that the tax rate is going up to \$46 a thousand, which it probably will, and we know it, but to show constructively how the budget can be reduced.

Coun. ROSENBERG—Mr. President, I was rather interested in the order of the councilor asking that the Council hold a public meeting, perhaps next Monday afternoon, where the civic leaders and taxpayers of the City of Boston may come in and offer suggestions on the matter of cutting the budget. I do not believe that the councilor who introduced the order is under the impression that the Committee on Appropriations of the Council is going to bring in the budget at next Monday's meeting if we hold our regular meeting. Furthermore, the meetings which have been held by the Committee on Appropriations have been public meetings, the doors are open to any public-spirited citizen, any taxpayer, who wants to come in and listen to the budget as it is being unraveled with the various departments, and we are open to suggestions at all times. I suggested that this matter go to the Executive Committee to be further discussed, Mr. President. Referred to the Committee on Appropriations.

Coun. CHASE—Mr. President, I might say, as chairman of the Committee on Appropriations, that I have already sent invitations to our hearings to President Eliot Wadsworth of the Boston Chamber of Commerce, to the President of the Boston Real Estate Exchange, to the Boston Municipal Research Bureau, and to many other civic organizations prior to the time that we originally set as a date for public hearings. Now, the Committee on Appropriations have been conducting hearings which were open to the public at all times. To date, the only civic-minded organization that has been before our committee, to my knowledge, is the Municipal Research Bureau, but as yet we have not received any suggestions from them. I might say at this time that I am sure the Committee on Appropriations would welcome any constructive suggestion of any taxpayer or any member of the public as to how we might reasonably cut the budget.

Coun. WILSON—Mr. President, I want to say that what I said was not in criticism of the Committee on Appropriations, because I believe that at least some members of that committee have been doing real work on the budget. I realize that members of the public have been invited. But it did seem to me that there should be a special day set aside when they could be heard, not in criticism but in constructive suggestions. I do not visualize the meeting that

will be held here as a political rally. The question in my mind is whether there would be any very large assemblage. But I do believe that the City Council should not back away from public participation, and I believe that the public should be given one day in particular when it would be their day in court and when they could make such suggestions as they might desire.

President MURRAY—The Chair will state that the Committee on Appropriations can make such an arrangement.

#### POSTPONEMENT OF TAX SALES.

Coun. ROSENBERG offered the following:

Ordered, That the City Collector be instructed, through his Honor the Mayor, to stay any action on contemplated tax sales of unpaid taxes for the year 1938, until some time in 1940.

Coun. ROSENBERG—Mr. President, there appeared before the City Council Committee on Appropriations last week Mr. Merritt Thompson, our City Collector. He told us that he was at the present time still working on the matter of tax sales on 1937 properties that were foreclosed by the city last year, and that he was preparing to clean the matter up sometime prior to October. He also informed us that he was contemplating tax sales on homes and properties for non-payment of 1938 taxes, sometime in October. In so doing he will again be duplicating the same thing that he did last year, in forcing the home owners to have their property sold for taxes three or four months earlier than has ever occurred in the history of Boston. I believe that with the conditions the home owners are going through, every consideration should be given them and every opportunity of meeting and paying the taxes that are assessed to them without hurrying and speeding the program along. If the matter was delayed until sometime in January, as in former years, they would have up until December. Certainly there should be a postponement in order to relieve those home owners. I believe that, in fairness to the home owners of the City of Boston, every available opportunity should be given to those people, particularly in the payments that they are making, to meet their taxes. With the thousands of pieces of property that have already been taken by the City of Boston, for which we have found no market, I do not believe that the City of Boston wants to continue to take properties over and continue to be the biggest real estate holder of property in the City of Boston. I believe that the City Council wants to do and I believe that his Honor the Mayor wants to do everything possible to help these home owners. I believe that the members of the City Council want to be as lenient as possible and yet not be derelict in their duty in seeing that the taxes are brought in. By postponing the sale until sometime in January or February of 1940, or even a little later, we have got until October to foreclose on the property. There is no emergency pending, and I think that, in all fairness to all concerned, when this order reaches his Honor the Mayor he will be able to call in Mr. Merritt Thompson, our collector, and instruct him not to proceed with his contemplated action of foreclosing on homes prior to 1940 on the 1938 taxes.

The order was passed under suspension of the rule.

#### INFORMATION FROM ASSESSORS.

Coun. ROSENBERG offered the following:

Ordered, That the Board of Assessors be requested, through his Honor the Mayor, to furnish the Boston City Council with the following information, as of January 1, 1939:

1. The number of homes owned by private individuals, and the assessed valuation of the same.

2. The number of homes owned by corporations, and the assessed valuation of the same.

3. The number of homes owned by banking institutions, and the assessed valuation of the same.

4. The number of business and mercantile properties owned by banking institutions, and the assessed valuation of the same.

5. The number of business and mercantile properties owned by private individuals, and the assessed valuation of the same.

6. The number of business and mercantile properties owned by corporations, and the assessed valuation of the same.

7. The number of pieces of property taken by the city for tax title, and the assessed valuation of the same.

Coun. ROSENBERG—Mr. President, last year I introduced this order on two occasions. On one occasion when the order was introduced a reply came back from the Board of Assessors, stating that in view of the press of business they would appreciate it if the matter could stand for some time in order that they might catch up with their work. Last October I again introduced the order. That was almost six months ago, and I have had no reply from it. I believe the information is constructive information, which is available in the assessors' office, information that they should be able to obtain, and I am therefore introducing the order again to secure the information requested; and if I do not get the information within a reasonable time I shall again introduce an order, and continue introducing orders until I finally get the information desired.

The order was passed under suspension of the rule.

#### REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. CHASE, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred April 17) appropriating \$60,000 from Cemetery Fund Income, to be expended for Cemetery Division, Maintenance and Improvement—recommending reference to Executive Committee.

Coun. CHASE—Mr. President, the Committee on Appropriations requests that that order go to the Executive Committee.

The report was accepted, and the order was referred to the Executive Committee.

#### ABOLITION OF GRADE CROSSING, BIRD STREET.

Coun. HUTCHINSON and KELLY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to take up with the State Department of Public Works the matter of abolishing the grade crossing at the Bird Street Station of the New York, New Haven & Hartford Railroad in Dorchester and erecting an overpass, the expense of same to be met by the Federal Government under the Hayden-Cartwright Act.

Passed under suspension of the rule.

#### RESURFACING OF WARD 13 STREETS.

Coun. HUTCHINSON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 13 under the W. P. A. plan of construction:

Bird street, from Magnolia street to railroad; Dewey street, Fairbury street, Wayland street, Balfour street, Mascosa street, Everett avenue, Hincley street, Morrill street, Bakersfield street, Dacia street, Woodcliff street.

Passed under suspension of the rule.

## SIDEWALKS, WARD 13 STREETS.

Coun. HUTCHINSON offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install sidewalks on the following streets in Ward 13, under the W. P. A. plan of construction: Dove street, Jerome street. Passed under suspension of the rule.

## REPAIRS ON STAIRWAY, JOHNWOOD ROAD.

Coun. LANGAN offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make needed repairs to the public stairway leading into Johnwood road, Ward 19. Passed under suspension of the rule.

## PROTECTION FOR INVESTIGATORS, VISITORS, ETC.

Coun. LANGAN offered the following: Ordered, That his Honor the Mayor be directed to instruct the heads of the various departments to give full protection, cooperation and legal assistance to all employees in any case arising out of the exercise of their duties as investigator, visitor, or as an authorized representative of the city in any capacity.

Coun. LANGAN—Mr. President, my attention was called last Wednesday to the subject matter of my order by an editorial which appeared in a Boston paper, and the following is a quotation from that editorial:

"A social worker for the City of Boston was set upon and beaten by two men, one of whom was a relief client.

"The assault took place when the investigator called on the welfare recipient to establish his eligibility for relief. The social worker found his client in the company of another man, both of them drinking, the investigator says. When the social worker left the house, the pair followed him to the street, one then grappled with him and the second, the relief client himself, slugged him, knocking the social worker into the gutter and ripping his coat.

"The attitude of officials of the Welfare Department was interesting. A strictly hands-off policy was instantly adopted. When the investigator asked superiors about the advisability of seeking an assault complaint, he was advised to 'think it over.' Finally, with the assault officially regarded as a personal affair, the investigator pressed the charge alone. As a result, in lower court, the assailant received a suspended sentence.

"The hands-off attitude of the Welfare Department was uninspiring. Here was a social worker attacked in the line of duty. Here was a man, investigating the worthiness of a relief client and thus doing the work for every taxpayer in the City of Boston.

"Even when, as has happened, female employees of the Welfare Department have been assaulted inside the very buildings of the department, prosecution of the offenders has been left to the individual so assaulted.

"This is a situation not likely to benefit the taxpayer, whose primary concern must be for the fearless investigation of every relief applicant. After all, why should a \$25-per-week investigator stick his chin out in the endeavor to discover who are the unworthy relief recipients? If he does, he is likely to get his chin of his 'bopped'! From then on, he will be on his own.

"The natural result will be that investigators may take the easier course and let fakirs continue to sponge on the city, to the hurt of taxpayers and of worthy welfare recipients."

Mr. President, we have all realized the great length to which welfare expenditures

have gone during the past ten years. The only gateway by which this can be controlled is by the investigators who go out from the Welfare Department and determine whether or not an individual is worthy of receiving welfare aid. If this is true, that this is the only gateway by which this welfare cost can be curbed, then I say that those men are deserving of every protection that the City of Boston can give them. What incentive under such circumstances, is there for a man to go out and fearlessly perform his duty in investigating a man who is unworthy of receiving aid, and if he does, in turn, have his clothes ripped off, is it just and reasonable for him to be told by his superior that he is "on his own," that he must prosecute that individual who is abusing that fine service which the City of Boston is giving to him? I for one—and I am sure the rest of the members of this City Council agree with me—feel that in every case where an individual is worthy he should receive aid, but I think those who are not worthy should be stricken from the welfare rolls, and I think that there should be some protection for those who go out and do the dirty work, so to speak, by going into the very homes where these recipients live. I say, Mr. President, that these men deserve every consideration. In this case the Welfare Department should have given him full cooperation and seen that the man who was responsible for the assault was punished to the full extent of the law. That is the reason for introducing this order, to see that those men who perform their duties are protected in so doing.

Coun. GALVIN—Mr. President, I am heartily in accord with the order submitted by Councilor Langan, but I know in my town that some of the investigators believe that the welfare recipients are a lot of dogs, that every individual that comes up before them is called a drunk and a bum. The average individual who goes to the welfare is seeking it for his children or for her children because they are in desperate circumstances, and the abuses and the humiliation that they have to submit to in Charlestown is such that I know if I was a recipient I would give the same abuse to that person that perhaps others have got throughout the district.

The order was passed under suspension of the rule.

## WARD 20 IMPROVEMENTS.

Coun. LYONS offered the following: Ordered, That the Park Commission be requested, through his Honor the Mayor, to install electric arc lights on Fallon Field, Roslindale, from the Belgrade avenue end to Robert street.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a survey of all sidewalks in Ward 20 with a view to making necessary repairs to those which may require same.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install electric lights on Sherwood road, Ward 20.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to clean the gutters in all side streets in Ward 20 to prevent clogging of the sewers.

Ordered, That the Commissioner of Public Works make a sidewalk along Willow street, both sides, from Centre street to Weld street, Ward 20, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Park Commission be requested, through his Honor the Mayor, to place a matron on the Mary Draper Playground, West Roxbury, during the summer season.

Severally passed under suspension of the rule.

#### OPERATION OF BUSES, WELD STREET LINE.

Coun. LYONS offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to operate their buses on the Weld street line on Sundays and holidays.

#### VACATION FOR POLICE FORCE.

Coun. LYONS offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to make arrangements to allow members of the Police Force sixteen days' vacation, instead of the customary fourteen days, in order that the day off in eight which would be due them during their vacation period may be included. Passed under suspension of the rule.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

Report on petition of Suffolk Savings Bank (referred April 17) for driveway opening at 423-435 East Eighth street, Ward 7—that permit be granted.

Report accepted; permit granted under usual conditions.

#### RECESS.

The Council voted at 3.30 p. m., on motion of Coun. TAYLOR, to take a recess subject to the call of the Chair. The members reassembled and were called to order by President Murray at 4.13 p. m.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today from Committee on Appropriations) appropriating \$60,000 from Cemetery Fund Income, to be expended for Cemetery Division, Maintenance and Improvement—that same ought to pass.

Report accepted, said order passed, yeas 18, nays 0.

2. Report on ordinance (referred from Committee on Ordinances April 17) prohibiting sale of cigarettes or tobacco by vending machines—that same ought to pass.

The report was accepted, and the question came on the passage of the ordinance.

Coun. ROSENBERG—Mr. President, at a previous meeting I believe I went, quite in detail, into the proposed ordinance to prohibit vending machines in the City of Boston. I believe at that time I pointed out to the members of the Council that those who were primarily interested in the machine situation were a group who were led by the retail tobacco dealers and the wholesale tobacco dealers, I presume, not only in Boston but in Massachusetts. These men came here in their representative capacity on more than one occasion before the committee that was hearing the proposed ordinance and told the members of the Boston City Council that they were not interested in prohibiting the use and operation of these machines. They said that these machines were in Boston and its confines and that they should be called upon to pay a license fee. There has been no urge or

public clamor to do away with the vending machines in the City of Boston. We have been informed that there are 1,500 of those machines in various establishments in the city, that 1,500 of them are being used by legitimate firms and establishments. They are placed, as we have been told, in restaurants, in barrooms, in night clubs, in candy stores and various other establishments, and I dare say that even the small tobacco dealer has in his own establishment some of these machines that he is using and operating himself. What I am primarily interested in is, are we doing what is right by ourselves and by the citizens of the City of Boston, when we are attempting to put through a budget, to prohibit the use of these machines, when there is no urge for it, no demand, no public protest of any sort or nature that has been called to our attention? By putting a license fee on these machines we would be getting revenue into the city. There would be no expense attached to it as far as the Police Department is concerned, as far as the Sealer of Weights and Measures is concerned, as far as the Health Department is concerned. It would, in the language of the street, be "velvet" money that would be coming into the city treasury, and we can use whatever revenue we can derive that is not going to hurt anyone. There is no illegal traffic being conducted by the operation of these machines. As I have stated time and again, the price, as I understand it, that is paid for the tobacco in these machines is greater than when you buy it over the counter, and if the machines are done away with the very purpose of the act, in other words, prohibiting these machines, is going to bring the merchandise sold over the counter in these restaurants and other establishments at cut prices, in competition with the present small tobacco dealers. I am in sympathy with the very small business man, I am in sympathy with everyone who is trying to get out of the difficult and trying times that we are going through. I realize that we are facing an increase in our taxes, and if we can find any revenue that can come in, however small it might be, it might replenish certain departments in the matter of their operations, and where no expense is going to be attached to it I think we ought to be in favor of a license fee, not prohibiting something because we find that perhaps the license fee is not steep enough to satisfy some of us. I feel that we ought to look at this matter sanely, that we ought to look at it as business men; we ought to look at it as members of a board of directors not only of the City of Boston but of any business establishment. If we can get some revenue, should we throw it out of the window in these times? I believe that this order that is before us, the matter of prohibiting these machines in the City of Boston, should be reconsidered by those of us who are assembled, members of the Council, and I truthfully feel that if this matter is laid on the table perhaps for another week the members of this Council will vote in favor of doing away with this ordinance and bringing in an ordinance for a license fee, so that revenue can be secured for the City of Boston. From that point of view, Mr. President, at this time I move that this order be laid on the table for one week.

The question came on laying the order on the table. The motion was lost.

At request of Coun. ROSENBERG the roll was called, yeas 5, nays 13, and the motion was lost:

Yeas—Coun. Chase, Fish, Langan, Lyons, Rosenberg—5.

Nays—Coun. Carey, Englert, Galvin, Hutchinson, Irwin, Kelly, Kerrigan, McMahon, Murray, Shattuck, Sullivan, Taylor, Wilson—13.

Coun. SHATTUCK—Mr. President, this ordinance is to prohibit these cigarette machines. It is an ordinance to destroy a business. I think in these times we should hesitate to do anything to destroy a business, and I am against the order and shall so vote.

Coun. CAREY—Mr. President, we can talk about destroying business, but I think we

should talk about destroying jobs. We have been going through, during the past several years, the so-called machine age, which has destroyed job after job. This Body has at quite length taken up the discussion of machines in the various city departments, and if I sense the feeling of the City Council to any degree, I think that this Body is definitely opposed to the use of machines in these city departments. We have had altogether too much use of machinery in the elimination of labor. In this case here, we have men who are set up here in the City of Boston with small stores, and possibly larger stores, that are to a large extent depending on the sale of cigarettes over the counter for their livelihood. These machines are definitely doing away with the business of those stores that are paying taxes to the City of Boston and earning a livelihood. On testimony given before the Committee on Ordinances we heard that the owners of these machines come principally from Providence, Revere and Chelsea, and supply, out of the City of Boston, these machines, competing unfairly with the residents of the city and the taxpayers of the city, and I feel that this committee might well consider eliminating the machines and providing hand labor.

Coun. KELLY—Mr. President, I have to agree with Councilor Carey and disagree with the councilor from the Back Bay. We are not destroying business. We are going to help the small man who runs one of the small stores in the suburban areas. Those small business men are not able to pay their taxes in the City of Boston, and that is what I am thinking of when I am voting to abolish these machines out of the City of Boston. I am not thinking of these gentlemen who are non-residents of Boston, who have never paid any personal tax on their personal property. I am thinking of these small store owners who, with the \$46 tax rate facing them this year, were unable, some of them, to pay their taxes last year, and so in abolishing these machines in the City of Boston you are giving the business to these small stores where it rightfully belongs. And, furthermore, I am against the use of any machines. I am against the use of these machines in the Collecting Department. As I said before the Committee on Appropriations the other day, the use of these machines has taken away the jobs of seven people in the City of Boston. If we are paying for the use of these machines \$5,500, if we put that into labor it would employ seven more men in the City of Boston. That is why I am going to vote to abolish these machines. Now, we will not be destroying business. We will be giving business a chance, the small store owners in the suburban areas. We are giving a chance to the people who now can't pay their taxes. We are taking away the business from the garages and from the filling stations, and we are going to allow those people to attend to their own business and give the cigarette and cigar business to the small store owners where it rightfully belongs.

Coun. SULLIVAN—Mr. President, I am ready at all times in this matter to vote for a moderate license. I believe that at this time our thought should be to bring in some added revenue to the city, and I believe that the machines are a source of revenue in this matter. I do not believe in outlawing them. I do not think we will make jobs by outlawing the cigarette machine. It will mean more work for those who are employed, those behind the counters in restaurants, in the night clubs, and other places; but because of the small amount of cigarettes sold in these places they will not put in a special counter in order to do it. As regards the companies which distribute the machines paying no

personal property tax, I believe I was the first one to bring that up. But I understand that they can't pay any personal property tax to the city because they pay their corporate taxes. However, if the gentleman is interested in bringing revenue to the city, I believe that the best way to do it is to put a small license fee on the machines.

Coun. HUTCHINSON—Mr. President, I feel compelled to agree with the councilor from Ward 22. This is a chance for revenue for the City of Boston, and it will not take jobs away from anybody. It will bring in revenue to help relieve the burden on the present taxpayers of the city.

Coun. ROSENBERG—Mr. President, I just want to say one word about the small business men. There was not a single demand that came in before the committee from the small business men to abolish these machines. Their only request was that a license fee be set upon those machines. And I believe that that sentiment should guide us in our vote.

President MURRAY—The clerk will call the roll.

Coun. TAYLOR—I would like to say one word before we vote.

President MURRAY—Does the gentleman ask unanimous consent?

Coun. TAYLOR—I ask unanimous consent.

President MURRAY—If there is no objection you may speak.

Coun. TAYLOR—Mr. President, Councilor Rosenberg stated that the small business men came in and said that they were not interested in abolishing the machines. That may be so, but they thought that a \$50 fee would be a reasonable fee, and we have since learned from the Corporation Counsel that a \$50 fee would probably be unreasonable and would not be upheld by the courts. So that the only other alternative to help these men who are seeking the assistance of the Council was to abolish the machines, and that is why the Committee on Ordinances voted that this ordinance should pass.

The question came on the adoption of the ordinance. The ordinance was passed, yeas 11, nays 6:

Yeas—Coun. Carey, Englert, Fish, Galvin, Irwin, Kelly, Kerrigan, McMahon, Murray, Taylor, Wilson—11.

Nays—Coun. Hutchinson, Langan, Lyons, Rosenberg, Shattuck, Sullivan—6.

Later in the meeting Coun. CHASE moved reconsideration of the vote abolishing the vending machines. The motion was lost.

Coun. CHASE doubted the vote and asked for a roll call.

The roll was called, yeas 7, nays 11, and the motion was lost:

Yeas—Coun. Chase, Hutchinson, Langan, Lyons, Rosenberg, Shattuck, Sullivan—7.

Nays—Coun. Carey, Englert, Fish, Galvin, Irwin, Kelly, Kerrigan, McMahon, Murray, Taylor, Wilson—11.

#### BASEBALL SEASON FACILITIES, WARD 1.

Coun. IRWIN offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to immediately place in suitable condition for the baseball season the following parks and playgrounds in Ward 1, which are now in very bad condition, namely:

World War Memorial Park, Noyes Playground, American Park, American Legion Park.

Passed under suspension of the rule.

Adjourned at 4.33 p. m., on motion of Coun. CAREY, to meet on Monday, May 1, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, May 1, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m. President MURRAY in the chair, and all the members present.

## JURORS DRAWN.

Jurors were drawn under the law, Coun. TAYLOR presiding at the jury box in the absence of the Mayor, as follows:

Eighty-seven traverse jurors, Superior Criminal Court, to appear June 5, 1939:

Joseph Amico, Ward 1; Bartholmeo Bianco, Ward 1; Michael Costello, Ward 1; Thomas DeFreitas, Ward 1; Henry J. Doherty, Ward 1; Paul J. Hoey, Ward 1; James Marino, Ward 1; William McBournie, Ward 1; John C. Platt, Ward 1; John J. Broderick, Ward 2; Patrick Fallon, Ward 2; Neil McElaney, Ward 2; George M. Castaldo, Ward 3; Samuel Hessed, Ward 3; Max Neyhus, Ward 3; Eugene Noble, Ward 3; Joseph Griffin, Ward 4; Robert B. Peacock, Ward 4; Enoch W. Lyman, Ward 5; Guiseppe Cangemi, Ward 6; John D. Long, Jr., Ward 6; James F. McGrath, Ward 6; Edward F. Welch, Ward 6; George McCallum, Ward 7; Harry J. Purcell, Ward 7; Edmund T. Quirk, Ward 7; Donald C. Whitney, Ward 7; Francis E. Gardas, Ward 8; Thomas F. Hennessey, Ward 8; Allen H. Olson, Ward 8; David G. Alexander, Ward 9; Frank C. Goodwin, Ward 9; Paul Tanguay, Ward 9; Frederick W. Daley, Ward 10; John E. Murphy, Ward 10; Patrick F. O'Brien, Ward 10; John O. Clarke, Ward 11; John J. Davey, Ward 11; Gilbert A. Finn, Ward 11; Earl R. McKinnon, Ward 11; Patrick F. Myers, Ward 11; August J. Parker, Ward 11; Eugene N. Shea, Ward 11; Francis B. McConn, Ward 12; John L. McKenna, Ward 12; Thomas O'Dea, Ward 12; Leonard Ough, Ward 12; James G. Shelton, Ward 12; Clinton A. Steadman, Ward 12; Michael J. Turley, Ward 12; George H. Bloom, Ward 13; John D. Grant, Ward 13; John F. Kerr, Ward 13; Thomas W. Lovett, Ward 13; John P. Sullivan, Ward 13; Emile Fredley, Jr., Ward 14; Israel Gerber, Ward 14; Robert Sinnott, Ward 14; William J. Burke, Ward 15; Thomas J. Byrne, Ward 16; Archie J. Campbell, Ward 16; John J. Boyle, Ward 17; Edward I. Hurwitch, Ward 17; Charles J. Morton, Ward 17; Frank L. Mossman, Ward 17; Anders T. Tellstrom, Ward 17; William L. Thayer, Ward 17; John P. Davidson, Ward 18; Timothy J. Donovan, Ward 18; Benjamin H. Thompson, Ward 18; Michael J. Walsh, Ward 18; Walter E. Carroll, Ward 19; James C. Carver, Ward 19; Michael H. Maguire, Ward 19; William H. Tirrell, Ward 19; Harold J. Wesson, Ward 19; Richmond H. Blake, Ward 20; Henry T. Jordan, Ward 20; Thomas F. O'Leary, Ward 20; Carl F. Schmidt, Ward 20; Harold F. Scollins, Ward 20; William Whitman, Ward 21; Vernon D. Brown, Ward 22; Elmer R. Carlson, Ward 22; James E. Connolly, Ward 22; Francis S. Fallon, Ward 22; John Kevil, Ward 22.

Eighty-six traverse jurors, Superior Civil Court, to appear June 5, 1939, April Sitting:

Jasper J. Jeffers, Ward 1; Thomas J. McGrane, Ward 1; James H. Petipas, Ward 1; Lawrence F. Fay, Ward 2; William E. Curry, Jr., Ward 2; James P. Meagher, Ward 2; George H. Sheehan, Ward 2; James A. Burke, Ward 3; Maurice F. Vail, Ward 3; John A. Miller, Ward 4; Joseph D. Ryan, Ward 4; Frederic T. Whitney, Ward 4; George E. Parent, Ward 5; Dennis J. Feeney, Ward 6; Francis T. Halloran, Ward 6; Alfred E. Shaw,

Ward 6; David A. Barr, Ward 7; Hugo Bloodough, Ward 7; Joseph J. Flaherty, Ward 7; Louis C. Jacobsen, Ward 7; Martin W. McDonough, Ward 7; Llewellyn A. Sands, Ward 7; Henry L. Fay, Ward 8; John MacNeil, Ward 8; George Craddock, Ward 9; William Meyer, Ward 9; Henry D. Sellon, Ward 9; Walter E. Snowden, Ward 9; Robert A. Dillon, Ward 10; Albert F. Drew, Ward 10; John L. Mulkeen, Jr., Ward 10; Charles F. McElaney, Ward 11; Philip J. McGonagle, Ward 11; Thomas H. McHugh, Ward 11; Thomas J. Stanton, Ward 11; Edgar S. Wells, Ward 11; Charles A. Campbell, Ward 13; Arthur L. Daly, Ward 13; Peter Joyce, Ward 13; Roscoe A. Atwood, Ward 14; Stephen E. Brennick, Ward 14; Jacob Bychman, Ward 14; Percy W. Dickson, Ward 14; Carl Epstein, Ward 14; James Goldstein, Ward 14; David Vigor, Ward 14; Louis Vogel, Ward 14; Frank J. McManamy, Ward 15; Patrick O'Neil, Ward 15; Frederick Reardon, Ward 15; Sylva J. Clement, Ward 16; Jeremiah Clonam, Ward 16; Frank X. Danner, Ward 16; George M. Gannon, Ward 16; Francis W. Gilmore, Ward 16; John J. Maguire, Ward 16; Henry M. McCaul, Ward 16; Daniel J. Osgood, Ward 16; Edward S. Watson, Ward 16; Oscar L. Danielson, Ward 17; William H. Kelley, Ward 17; Arthur F. McIntosh, Ward 17; John McKinnon, Ward 17; John Murdock McLeod, Ward 17; Lawrence Joseph Stevenson, Ward 17; Amos E. Cowan, Ward 18; George W. Doyle, Ward 18; Martin Joseph Fleming, Ward 18; Joseph A. Holden, Ward 18; Francis C. Snyder, Ward 18; Lester W. Tilden, Ward 18; James J. Tolan, Ward 18; Warner W. Walsh, Ward 18; Carl F. Anderson, Ward 19; Walter H. Boynton, Ward 20; Charles H. Elliot, Ward 20; Albert W. Honer, Ward 20; Arthur L. Rausch, Ward 20; Luke S. Travis, Ward 20; William F. Casey, Ward 21; Herbert L. Collyer, Ward 21; John M. Dorsey, Ward 21; George M. Harrington, Ward 21; John L. Copeland, Ward 22; John J. McCarthy, Ward 22; Edmund L. Williams, Ward 22.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Constables of City of Boston for term of one year, beginning with first day of May, 1939, with authority to serve civil process upon filing the necessary bonds:

Frank Mitchell, 7 Bruce street, Ward 16; Michael Harney, 176 H street, Ward 7.

Wheigher of Goods: William J. O'Connor, 20 Ridgemont street, Allston, Mass.; William H. Kenney, 7 Treadway road, Dorchester, Mass.

Severally laid over a week under the law.

## VETO OF VENDING MACHINE ORDINANCE.

The following was received:

City of Boston.

Office of the Mayor, April 26, 1939.

To the City Council.

Gentlemen,—I return herewith, without my signature and disapproved, the ordinance passed by your Honorable Body prohibiting the sale of cigarettes or tobacco by vending machines.

In my opinion, no compelling facts have been set forth and no arguments presented sufficient to indicate beyond a question that these machines are either a nuisance or a menace to the general public. Consequently, an absolute prohibition of the use of these machines, at this time, might well be considered an unwarranted exercise of the power and authority of the municipality. For these reasons, I feel obliged to veto the proposed ordinance.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Coun. WILSON—Mr. President, in reference to the message from the Mayor in which he states that he has heard no compelling reasons for the adoption of the order, of course I bear in mind that, after a good deal of discussion, the Council finally passed the order last Monday afternoon. I understand that representatives of those few persons owning or controlling the cigarette vending machines in the City of Boston called at the Mayor's office promptly on Tuesday and that the proposed ordinance was vetoed on Wednesday, which, of course, gave very little time for those thousands of small tobacco store owners in the City of Boston to supplement what they had already told and written to the Council by similar messages to the Mayor. No doubt the Mayor, following the papers, had some knowledge of that movement among the small tobacco store owners of Boston. But, in spite of that, in his wisdom he vetoed the order. However, in view of the fact that the ordinance has been vetoed, and in view of the fact that a number of the councilors who voted against the order stated to the Council that they mainly voted against the order because they preferred an ordinance which would mean some revenue for the city, I would move at this time that the ordinance now in the Committee on Ordinances be recalled from that committee and referred to the Executive Committee.

President MURRAY—If there is no objection, the order will be referred to the Executive Committee.

The ordinance was recalled from the Committee on Ordinances and referred to the Executive Committee.

#### VETO OF DRIVEWAY OPENING, TREMONT AND WESTON STREETS.

The following was received:

City of Boston,  
Office of the Mayor, May 1, 1939.  
To the City Council.

Gentlemen,—I return herewith, disapproved and without my signature, permit for a driveway opening at Tremont and Weston streets.

I am informed by the Commissioner of Public Works that, in his opinion, there is no necessity for driveway openings at this location in excess of twenty-five feet, and that he does not approve the granting of the present petition.

The purpose of the ordinance requiring consent and approval of the City Council and Mayor for driveway openings of this character is to prevent unnecessary openings and openings which are in excess of requirements. The ordinance was enacted to prevent continued abuses of this nature and to preserve as much sidewalk space as possible for pedestrian traffic.

In the matter of approval of petitions of this kind I feel that the attitude of the Commissioner of Public Works should be considered.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 28, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I am inclosing application for permit to construct driveways at 1105 to 1109 Tremont street, and Weston street.

This permit was disapproved by me and subsequently approved by the City Council. I disapproved this application, as I did not believe that, at this location, there was any necessity for having the driveways on Tremont street or the driveway on Weston street any wider than twenty-five feet each. It is my intention to preserve as much of the sidewalk space as is possible for the sole use of pedestrians and, at the same time, not

restrict the widths of driveways so as to discourage the construction of gasoline stations or parking areas.

Upon viewing this location on Wednesday of this week, I found that the contractor had constructed these driveways despite the fact that he had received no permit, thereby violating a City Ordinance. I have had the contractor notified to interview me relative to this matter, and I intend to have him replace the edgestone and the granolithic sidewalk to its original condition.

After he has done this work in accordance with my request, I shall notify him to submit a new application, with the understanding, however, that I shall not approve his application if it is contemplated constructing any of the driveways to a width in excess of twenty-five feet. A twenty-five foot driveway should be amply wide enough at this location to facilitate the movement of vehicles going to and from the gas station from the adjacent highways.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### SIDEWALKS ON WELD AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, May 1, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 17, 1939, concerning the making of a sidewalk along both sides of Weld avenue, Ward 11, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 25, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works make a sidewalk along both sides of Weld avenue, Ward 11, under the W. P. A. type of construction.

I am pleased to advise you that this work has just recently been completed.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### SIDEWALKS ON HAWTHORNE STREET, WARD 19.

The following was received:

City of Boston,  
Office of the Mayor, May 1, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 17, 1939, concerning the installation of sidewalks on Hawthorne street, between Florence and Sycamore streets, Ward 19, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 25, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works install sidewalks on Hawthorne street, between Florence and Sycamore streets, Ward 19, under the W. P. A. plan of construction.

This street will be put on a W. P. A. project for approval for the installation of tar sidewalks this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.



## DUMPS IN RESIDENTIAL AREAS.

The following was received:

City of Boston,  
Office of the Mayor, May 1, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Health Commissioner relative to your order of March 20, 1939, concerning the advisability of closing up all active dumps that are located in residential areas of the city.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Health Department, April 25, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—In reply to your communication of March 31, 1939, transmitting to this department City Council order of March 20, 1939:

"Ordered, That the Health Commissioner, through his Honor the Mayor, consider the advisability of closing up all active dumps that are located in residential areas of the city."

I can offer no further explanation of the position of this department than that contained in my reply to a similar order of the Council which I answered under date of September 22, 1938, which read as follows:

"This department would be glad to consider the matter of closing all active dumps located in residential districts, were it not for the fact that, at present, the only method of disposing of the dry wastes produced by householders and business establishments is by filling in of low areas."

It is our understanding from the Public Works Department that approximately 1,500,000 cubic yards of such material was collected and disposed of in 1937, so it will be seen that the handling and disposition of such an enormous amount of waste presents a problem which is apt to be overlooked by the average citizen.

Of course, "residential district" is a relative term and it is realized that any dump in Boston might come within this description. In passing on the issuance of licenses for dumps, we endeavor to have them located as far away from dwellings as possible. Many applications for otherwise suitable locations are refused on this account.

Until some other method is adopted, the most we can do is to see that the dumps are maintained in as sanitary a manner as possible, and to that end they are kept under close observation by the inspectors of the Housing and Sanitation Division of this department.

It should not be lost sight of that these dumps serve several other purposes, especially in the filling in of areas containing stagnant water creating offensive odors and providing breeding places for mosquitoes and other insects, and making usable and taxable land.

Suffolk Downs in East Boston, Simmons College and Emmanuel College in Roxbury, and many other private and public buildings are built on land that was filled in as public dumps. All these locations received the same criticism as the present dumps.

Respectfully,  
H. F. R. WATTS, M. D.,  
Health Commissioner.

Placed on file.

## MANHOLE COVERS, SOUTH STREET.

The following was received:

City of Boston,  
Office of the Mayor, May 1, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the replacing of manhole covers on South street, from Robert to Centre streets, Ward 20, with up-to-date flat covers.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 26, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have a copy of the following order that was passed in the City Council on March 27, 1939:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to replace the manhole covers on South street, from Robert to Centre streets, Ward 20, with up-to-date flat covers."

The manhole covers on South street, between the locations designated in the order, have been removed and new type covers have been installed.

I trust that this will remedy the nuisance created by the old-style oval covers.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## SODEN'S FIELD, ROSLINDALE.

The following was received:

City of Boston,  
Office of the Mayor, May 1, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 3, 1939, concerning the taking immediate steps to abolish the present nuisance in the form of collected water which now exists at Soden's Field in Roslindale.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 24, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Re City Council order of April 3, 1939, relative to taking immediate steps to abolish the present nuisance in the form of collected water which now exists at Soden's Field, Roslindale.

Dear Sir,—This is a large undeveloped area, privately owned, through which flows the so-called Grew Avenue Brook which outlets through a temporary 24-inch pipe into a 2-foot 6-inch circular concrete conduit near the corner of Poplar and Canterbury streets. The end of the 24-inch pipe is protected by an iron grate.

The nuisance complained of in the form of collected water was caused by boys plugging the iron grate, during the winter, with rubbish and boulders so that the field would flood and freeze for skating purposes.

The obstructions at the outlet have been removed, draining the field to the ordinary limits of the brook.

The maintenance crew of the Sewer Division have been instructed to keep this outlet free.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## IMPROVEMENTS, BROOK AVENUE, ROXBURY.

The following was received:

City of Boston,  
Office of the Mayor, April 29, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 17, 1939, concerning the resurfacing of Brook avenue, Roxbury, and to relay the brick sidewalks thereon, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 26, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works

relay the brick sidewalks on Brook avenue, Roxbury, under the W. P. A. plan of construction.

Please be advised that the district foreman has been ordered to relay the bricks on this street where necessary.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### SIDEWALK, WILLIAMS STREET, WARD 11.

The following was received:

City of Boston,  
Office of the Mayor, May 1, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of March 27, 1939, concerning the making of a sidewalk along one side of Williams street, Ward 11, from Washington street to Call street, as a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 26, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works make a sidewalk along one side of Williams street, Ward 11, from Washington to Call streets, as a W. P. A. project.

Please be advised that I will have that portion of this street that Councilor Englert is interested in submitted for approval on a W. P. A. project for the construction of tar sidewalks.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### NURSING PERSONNEL, CITY HOSPITAL.

The following was received:

City of Boston,  
Office of the Mayor, May 1, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Superintendent of the Boston City Hospital together with a report relative to your order of February 27, 1939, concerning information relative to the nursing personnel at the Boston City Hospital.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Hospital Department, March 24, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—On March 1, 1939, Mr. William T. Doyle, Chief Clerk, forwarded to me a copy of the City Council order of February 27, 1939, concerning information regarding the nursing personnel at the Boston City Hospital.

At a meeting of the Board of Trustees held on Friday, March 24, this order was given consideration, and it was voted to reply to the questionnaire submitted by Mr. William T. Doyle on this matter.

You will please find attached the required number of copies in answer to the order of the City Council through the Acting Mayor, Councilor George A. Murray.

Respectfully yours,  
JAMES W. MANARY, M. D.,  
Superintendent, Boston City Hospital.

1. During the week of February 14, there were on the pay roll of the Main Hospital a total of 715 graduate and undergraduate nurses, made up as follows:  
280 graduate nurses, paid weekly.  
374 undergraduate nurses, paid monthly.

29 preliminary student nurses, without pay, on probation.

32 affiliating student nurses, without pay.

This count was taken from a report submitted under date of March 8, 1939, covering the week of February 14, 1939, same report having been submitted by the Director of Nursing Service and Nurse Education.

2. After making certain deductions as outlined by Miss Logan, Director of Nursing Service, there were 599 nurses on regular duty plus 76 preliminary students.
3. On February 21, 1939, 1 supervising nurse, 12 staff nurses, 1 head nurse, and any balance of illness was in the student body.
4. Student nurses are on probation during the first six months. At the present time the students are put on the wards for 11 hours per week after they have received instruction in nursing for 6 weeks, and this service for 11 hours per week is under teaching supervision. This outline applies to the class admitted in September of 1938, but did not apply to the class admitted in September, 1937.
5. (a) During the probationary period of six months, student nurses are on active duty only 11 hours a week under teaching supervision, and the balance of their working hours is spent in classrooms and study.  
(b) On February 14 the number of preliminary students was 76.
6. The daily average number of beds occupied in the Boston City Hospital for 1938, including the South Department and the two Relief Stations, was 1,430.08, of which 1,272 were in the Hospital proper, 150 at the South Department, 7.31 at Haymarket Square Relief Station while operating, and .38 at East Boston Relief Station while operating. This does not include the T. B. division which has its own quota of nurses.
7. The normal bed capacity of the Hospital proper is 1,592; the normal bed capacity of the South Department is 300.
8. On February 28, 1939, there were 1,554 beds occupied, of which 1,367 were at the Hospital proper and 187 at the South Department.
9. The peak period of illness in Boston extends through the months of March and April.
10. Graduate nurses are on duty from 7 a. m. to 8 p. m. After deducting routine time off, they actually work 9 hours on the wards.
11. Student nurses put in 59 hours per week on day duty, not including time spent in class work, for meals or rest periods.
12. Student nurses on night duty now put in 77 hours a week, not including time spent in class work or for rest periods. The midnight meal in the Cafeteria is included in this 77 hours, and since they spend 15 to 20 minutes at this meal, perhaps 75 hours is a more correct statement. This assignment of 75 hours does not exceed 30 days at any one time.
13. The new Dowling Building is open except for one floor of operating rooms, a small X-ray department and a new dental department.
14. The Boston City Hospital Trustees in submitting their budget estimates for the year 1939 requested an additional quota of 31 graduate nurses.
15. At the present time there are 76 probationary student nurses who give 11 hours a week of service.
16. Yes.
17. Yes.
18. Graduate nurses work 109 hours a fortnight with one whole day and one half day off in one week, and one half day off in the other week.

Affiliating nurses follow the same schedule as the Boston City Hospital student nurses who have no day off.

19. There are 52 graduate nurses in the Hospital proper, not including the South Department, with the rating of head nurses. These nurses are responsible for the care and treatment given by the floor duty nurses under their supervision on the particular ward for which they are responsible.
20. There are six graduate nurses who have been appointed as House Mothers and Registrars by the Director of Nursing Service and assigned to nurses' homes, one of whom supervises the housekeeping of the nurses' homes.
21. There is one graduate nurse who assists the woman in charge of the housekeeping department in the distribution of medical and general supplies; one graduate nurse in the housekeeping department supervising the work of cleaners and porters; one graduate nurse in the new Dowling Building supervising the work of cleaners and porters for that unit; and one graduate nurse taking full charge of ward women. The housekeeping department as a unit comes under the supervision of a graduate nurse who has a special budget listing as a Hospital Employee and is not charged to the Nurses' quota.

22. In the suite of offices assigned to the Director of Nursing Service and Nurse Education, there are:
  - 2 Full time secretaries charged to the department.
  - 1 W. P. A. secretary.
  - 2 Graduate nurses employed for the detail on special nurses.
  - 1 Director (Miss Laura N. Logan).
  - 5 Assistants to Miss Logan.

In addition to the above, and not assigned to this office, there are several supervisors who are graduate nurses but are assigned by the Director to various buildings for either teaching or nursing purposes.

23. At the present time (March 24, 1939) we have approximately 12 nurses (student) rooming at the Franklin Square House. This number varies, and we have had a count as high as 56.

Page 3. (a) Graduate nurses designated as Floor Duty or Head Nurses are not supposed to spend any time in classroom or instruction work.

Page 3. (b) An average of 4 to 6 hours per week is spent in classroom work by student nurses on day duty.

Page 3. (c) An average of 4 to 6 hours per week is spent in classroom work by student nurses on night duty.

Placed on file.

**BOSTON HOUSING AUTHORITY AGREEMENT.**

The following was received:

City of Boston,  
Office of the Mayor, May 1, 1939.

To the Honorable the City Council.

Gentlemen,—On October 24, 1938, your Honorable Body passed an order approving a Cooperation Agreement between the City and the Boston Housing Authority and authorizing its execution.

Pursuant to said order a Cooperation Agreement was executed, delivered and dated as of October 25, 1938.

Sub-paragraph (d) of paragraph 1 of said Cooperation Agreement provides as follows:

(d) The term "Projects" as used in this Agreement shall mean any low-rent housing projects having an aggregate development cost of not in excess of Twenty-seven Million Dollars (\$27,000,000) now or hereafter undertaken within the City by the Authority with respect to which a contract or contracts for Federal Annual Contributions have been made, or will be made within one year from the date hereof,

with the United States Housing Authority. The term "Project" shall mean any one of such Projects which is to be aided under a single Annual Contributions Contract between the Authority and the United States Housing Authority relating solely to annual contributions on that particular project.

In order to facilitate the housing program in Boston, to make further housing developments possible and to take advantage of any further grants which may result from proposed legislation now pending in the Congress of the United States increasing the funds now available for low-rent housing projects, the Boston Housing Authority has requested that said sub-paragraph (d) be stricken out and there be inserted in place thereof the following new sub-paragraph (d):

(d) The term "Projects" as used in this Agreement shall mean any low-rent housing projects now or hereafter undertaken within the City by the Authority with respect to which a contract or contracts for Federal Annual Contributions have been made, or will be made, with the United States Housing Authority. The term "Project" shall mean any one of such Projects which is to be aided under a single Annual Contributions Contract between the Authority and the United States Housing Authority relating solely to annual contributions on that particular project.

The Boston Housing Authority has already approved the foregoing amendment.

I respectfully recommend prompt consideration and passage by your Honorable Body of the accompanying order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That the Cooperation Agreement between the City of Boston, Massachusetts, and the Boston Housing Authority, dated as of October 25, 1938, be and hereby is amended by striking out sub-paragraph (d) of paragraph 1 thereof and by inserting in place thereof the following:

(d) The term "Projects" as used in this Agreement shall mean any low-rent housing projects now or hereafter undertaken within the City by the Authority with respect to which a contract or contracts for Federal Annual Contributions have been made, or will be made, with the United States Housing Authority. The term "Project" shall mean any one of such Projects which is to be aided under a single Annual Contributions contract between the Authority and the United States Housing Authority relating solely to annual contributions on that particular project.

Referred to Executive Committee.

**ERECTION OF GARAGE OVER STONY BROOK.**

The following was received:  
City of Boston,  
Office of the Mayor, May 1, 1939.  
To the City Council.

Gentlemen,—I submit herewith an order granting authority and license to Vincenzo and Maria Scipione to erect a two-car metal garage over Stony Brook. The said garage will be erected on land owned by the city, but not used for any purpose. The annual fee for use of said land will be nominal. The rights of the city will be protected and preserved.

The inclosed letter from the Commissioner of Public Works fully explains this matter. I respectfully request adoption of the accompanying order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, April 21, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—A request has been sent to this office by Vincenzo and Maria Scipione,

owners of the premises at No. 27 Rossmore road, Jamaica Plain, for permission to erect a two-car metal garage on an area of land adjacent to their property owned by the City of Boston and taken in fee for the purpose of constructing and maintaining the Stony Brook conduit.

The petitioners propose using approximately 1,300 feet of this land, which is assessed at 20 cents a square foot. The land is not used at the present time for any purpose by the City of Boston nor is it contemplated in the future to utilize this land for anything other than that for which it was originally taken.

This department has no objections to the erection of this garage, as it will be stipulated in the license that we may order its removal at any time as we see fit, and the erection of the garage will not interfere with any maintenance work that we might have to do in connection with the conduit. We propose charging an annual rental fee of \$12, which is equal to the taxable value of the area that is to be used by the petitioners.

I am inclosing copies of an order that has been drafted by the Law Department, to be introduced in the City Council, for the approval of that Body. I respectfully recommend that this order be introduced, authorizing the City of Boston to grant a license to the petitioners for the use of this land, as requested by them.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Whereas, The Commissioners to Improve Stony Brook and Its Tributaries appointed by the Town of West Roxbury June 25, 1870, in pursuance of the provisions of chapter 223 of the Acts of 1868 and of chapter 220 of the Acts of 1870, did take in fee on December 11, 1873, in the name and behalf of the Town of West Roxbury, certain parcels of land, including the watercourse known as Stony Brook, where said Stony Brook is crossed by Rossmore road; and

Whereas, By the provisions of chapter 314 of the Acts of 1873 the Town of West Roxbury was annexed to and became a part of the City of Boston on January 1, 1874, and the premises above referred to thereby became the property of the City of Boston; and

Whereas, the Street Commissioners of the City of Boston by an order approved by the Mayor of Boston July 23, 1908, did take in fee certain parcels of land adjacent to the lands and watercourse previously taken and referred to where said Stony Brook is crossed by Rossmore road; and

Whereas, Vincenzo Scipione and Maria Scipione, husband and wife as tenants by the entirety, are the owners of the premises numbered 27 Rossmore road, and said premises are adjacent to and bounded on the westerly side by said Stony Brook and the said Vincenzo and Maria Scipione are desirous of placing a building over said Stony Brook in a manner satisfactory to the Commissioner of Public Works of the City of Boston; now, therefore, it is hereby

Ordered, That his Honor the Mayor be, and hereby is, authorized, in consideration of an annual fee of \$12, to execute and deliver, in the name and behalf of the City of Boston, a license wherein the said Vincenzo and Maria Scipione are authorized to place a building over said Stony Brook, in accordance with the plans approved as to position and construction of said building by said Commissioner of Public Works and wherein the City of Boston reserves the right to go upon said premises at all times for the purpose of maintaining, repairing and reconstructing said Stony Brook and all and any drainage or sewerage facilities incidental thereto.

Referred to Committee on Public Lands.

TRANSFER OF INCOME FROM PARKMAN FUND.

The following was received:

City of Boston,  
 Office of the Mayor, April 28, 1939.  
 To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Board of Park Commissioners requesting the transfer of the sum of \$70,000 from the income of the George F. Parkman Fund to the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887.

I submit herewith an appropriation order and respectfully recommend its immediate passage by your Honorable Body.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Park Department, April 25, 1939.  
 Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Sir,—By vote of the Board of Park Commissioners you are respectfully asked to request the City Council to transfer from the income of the George F. Parkman Fund the sum of \$70,000 which is now available, to be expended under the direction of the Board of Park Commissioners as follows:

Common and Parks in Existence on January 12, 1887, Maintenance and Improvement of.....\$70,000

When making up the budget estimates for the year 1939, a sum equal to the total yearly income of the George F. Parkman Fund was deducted from item A-1, Permanent Employees, with the understanding that this deduction was to be replaced by the total yearly income of said Parkman Fund, for 1939, to be transferred as it accrued from time to time during the year to the regular maintenance appropriation of the Park Department.

Respectfully yours,  
 WILLIAM P. LONG, Chairman.

Ordered, That the sum of \$70,000 be, and hereby is, appropriated from the income of the George F. Parkman Fund, to be expended under the direction of the Park Commissioners, for the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887, as follows:

Common and Parks in Existence on January 12, 1887, Maintenance and Improvement of.....\$70,000

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

J. E. Arnold, for compensation for damage to car caused by an alleged defect in North Beacon street.

Berkeley Hotel Trust, for compensation for damage to property at 420 Boylston street, caused by leak in water main.

Ara Louise Channer, for compensation for injuries caused by an alleged defect in Huntington avenue.

Clinton Transportation Company, for compensation for damage to truck by city truck.

Grace E. Doherty, for compensation for injuries caused by an alleged defect in Brooks street.

Bernard F. Dunleavy, for compensation for injuries caused by fire engine.

Sarah Fisher, for refund on soft-drink license.

George C. Lang, for compensation for damage to car caused by an alleged defect in Tremont street.

Bridie A. Martin, for compensation for damage to car caused by an alleged defect in Church street.

Martha R. Merritt, for compensation for injuries caused by an alleged defect in Bowdoin street.

Ethel G. Princiotta, for compensation for damage to car by city truck.

Edith R. Rabe, for compensation for injuries caused by an alleged defect in Charlesgate West.

Pasquale Napolitano, for reimbursement for execution issued against him on account of his acts as employee of Public Works Department.

#### Executive.

Petition for children under fifteen years of age to appear at places of public amusement, viz.:

Howard Wilson, Y. M. C. A., April 29.

Petition of Frances E. Dolan to be paid an annuity on account of death of her husband, Charles F. Dolan, late member of Fire Department.

#### APPOINTMENT BY THE MAYOR.

Notice was received from the Mayor of appointment of Robert P. Bellows, 8 Park street, as member of Art Commission, for term ending April 30, 1944.

#### SALE OF CITY LAND, BRIGHTON.

President MURRAY called up No. 4, under unfinished business, viz.:

4. Whereas, By a resolve and order of the Board of Street Commissioners of the City of Boston, approved by the Mayor of Boston April 28, 1915, and recorded with Suffolk Deeds, Book 3877, page 71, the premises situated at 100 Brooks street in that part of Boston called Brighton, consisting of a building, together with about 5,818 square feet of land, were taken in fee for library purposes; and

Whereas, The said premises are no longer needed for public purposes; now, therefore, it is hereby

Ordered, That the Board of Street Commissioners of the City of Boston be, and hereby is, authorized to sell all the right, title and interest of the City of Boston in and to the said premises at public auction, at an upset price of twenty-five hundred dollars (\$2,500), and the said Board of Street Commissioners is hereby authorized to transfer all the city's right, title and interest in and to said premises to the purchaser of said premises at said public auction by a written instrument, satisfactory in form to the Law Department of the City of Boston, upon the payment to the City of Boston by said purchaser of the amount bid for said premises at said auction.

On April 17, 1939, the foregoing order was read once and passed, yeas 18, nays 0.

The order was given its second and final reading and passage, yeas 19, nays 0.

#### CONFIRMATION OF CONSTABLES.

Coun. ROSENBERG—Mr. President, speaking on behalf of the Committee on Constables, I would call up, under unfinished business, No. 1 on the calendar, City Document 41, and ask that all the appointments made therein be confirmed except those of John J. Daunt, John J. Dillon, Robert E. Donlan, William F. Dwyer, John A. May, Max Rabinovitz, Almerindo Sarno, Frederick J. Sarno and Frank Shaw, and I would also ask that we take action on the appointment in No. 2 on the calendar, unfinished business.

Nos. 1 and 2 on the calendar, under unfinished business, are as follows:

1. Action on appointments submitted by the Mayor April 17, 1939, of Constables authorized to serve civil process upon filing bonds, being the annual list as contained in City Document 41.

2. Action on appointments submitted by the Mayor April 24, 1939, of Abraham M.

Hecht, Bert Oppenheim and Harry Greenbaum, to be Constables authorized to serve civil process upon filing bonds.

The question came on confirmation of the appointments in No. 1, with the exception of the names stated by Coun. Rosenberg, and of the appointments named in No. 2 on the calendar. Committee, Coun. Lyons and Irwin. Whole number of ballots 17, yeas 14, no 3, and the appointments were confirmed.

President MURRAY also called up, under unfinished business, No. 3 on the calendar, viz.:

3. Action on appointment submitted by the Mayor April 24, 1939, of Mollie Neitlich to be a Weigher of Coal.

The question came on confirmation of the appointment. Committee, Coun. Lyons and Irwin. Whole number of ballots 14, yeas 13, no 1, and the appointment was confirmed.

#### ORDINANCE REPORT REFERRED TO EXECUTIVE COMMITTEE.

On motion of Coun. WILSON, the report of the Committee on Ordinances on cigarette and cigar vending machines (recommitted April 3) was recalled from the Committee on Ordinances and referred to the Executive Committee.

#### STATEMENTS BY COMMISSIONER LYMAN.

Coun. TAYLOR offered the following:

Whereas, The State Commissioner of Correction, Arthur T. Lyman, has made such grave accusations regarding conditions and against those in charge of the Deer Island House of Correction; be it

Resolved, That the Governor of the Commonwealth be requested to instruct the Commissioner of Correction, Arthur T. Lyman, to either present his evidence to the District Attorney of Suffolk County or withdraw his statements.

Coun. TAYLOR—Mr. President, again through the medium of the newspapers we read very startling statements made by the Commissioner of Correction, regarding conditions at Deer Island. Several weeks ago I spoke on the floor of this Body with reference to similar statements made by the commissioner and asked him to prove the same, but up to date he has not done so. The last statements made by him were even more astonishing than those made by him prior to that, but as yet we have had no answer from the Commissioner of Correction either stating that he had proof that these charges are true or that he would withdraw the statements. These are very grave and serious charges against the conditions at Deer Island and insult those people who are in control of Deer Island. The Commissioner of Correction also made other statements regarding the action of a certain judge, and I am informed that the commissioner has since found out that these statements were untrue. Now, I say that the statements made by the commissioner regarding Deer Island are untrue. Particularly I wish to call to the attention of the Council a statement made by the commissioner in which he said that \$200,000 a year was wasted on food by the Penal Department of the city at Deer Island. I am a very poor mathematician, but I do know that \$86,000 was appropriated for food at Deer Island last year. How in the world can you waste \$200,000 when you have only got \$86,000 to spend? That is just a sample of the exaggeration of this man's statements. He has made other statements regarding "dope" peddling and the sale of liquor there, which are very serious and grave charges. They are so serious that he either ought to present the evidence to the District Attorney and let him bring before the Grand Jury, for investigation, these charges or admit that he has not the

evidence, because if those things are happening there they should be investigated and the persons responsible for the situation should be dealt with by the law. If the statements are untrue, then he ought to withdraw them and give the institution the clean name which it had before.

The order was passed under suspension of the rule.

#### APPRECIATION OF SERVICES OF JOSEPH P. MANNING.

Coun. ROSENBERG, FISH, KERRIGAN and KELLY offered the following:

Resolved, That the City Council of the City of Boston, in meeting assembled, expresses to Joseph P. Manning, who has resigned as a member of the Board of Trustees of the Boston City Hospital, its deep appreciation and official gratitude for the twenty-eight years of devoted, unselfish and untiring service he has rendered to the City of Boston and all its citizens through his membership on the Board of Trustees of the Boston City Hospital; and gives official recognition to the high character of that unpaid and generous service, which has contributed, in no small measure, in the making of the Boston City Hospital the greatest institution of its kind in the world.

Passed under suspension of the rule.

#### BUILDINGS ADJACENT TO CONDEMNED BUILDINGS.

Coun. ROSENBERG offered the following:

Ordered, That the Superintendent of Public Buildings, the Public Works Commissioner, and any other department head having dealings with the demolition of property in the City of Boston, he requested, through his Honor the Mayor, to arrange with the authorities to make some provision for emergency repairs to adjoining buildings when demolishing condemned buildings under the W. P. A. plan of construction, in order that the homes of private owners shall not remain exposed to the elements, thereby endangering the welfare of the residents of such properties.

Coun. ROSENBERG—Mr. President, it has been called to my attention that numerous pieces of property throughout the City of Boston are being demolished by the Public Buildings Department under the W. P. A. regulations and projects that have been accepted by the Public Buildings Department. In the demolition of these properties, which are undoubtedly condemned properties, many of them vacant homes, the adjoining homes that remain standing have been left open to the elements. The walls between some of these properties are very thin, having been built perhaps some forty or fifty years ago, on a joint party wall basis, and when a part of a building is ripped down the part remaining may be a dwelling house of some poor family which is living in it and keeping it as a homestead, and they find the side of their building exposed to the elements. I have taken the matter up with the Public Buildings Department, I have taken the matter up with the Law Department, and they have informed me that there is nothing at the present time that the City of Boston can do except to proceed under their W. P. A. demolition projects in ripping down the buildings with nothing done to protect the owners of adjoining property. There is one piece of property that was called to my attention in a section of Boston where the wall was practically ripped open, and the owner of the residence had to fill it up with various household materials in order to keep the wind and rain and storm out. I am not saying that the City of Boston ought to put a new fence or wall up alongside the property being ripped down, but certainly some emergency repairs should be made to protect the owners of property who are having property demolished adjoining and adjacent to their

homes. I do not think it is the intention of the City of Boston, I do not think it is the intention of the Federal Government, to ruin adjoining pieces of property. The Public Buildings Department has stated that they cannot make any repairs, that they are not responsible for any damage and loss which occurs, and I hope as the result of this order his Honor the Mayor may be able to get together with the Public Buildings Department and other various department heads who are concerned, to see if some measure of relief cannot be given to the owners of property when adjacent property is being demolished.

The order was passed under suspension of the rule.

#### SIDEWALK, FRANKLIN PARK ENTRANCE.

Coun. ROSENBERG offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to construct a concrete sidewalk on the right-hand side of the entrance to Franklin Park from Columbia road, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### "WHITE WAY" LIGHTING, GROVE HALL.

Coun. ROSENBERG offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a survey of the Grove Hall section of Roxbury with a view of installing a "white way" lighting system in that section.

Passed under suspension of the rule.

#### WHITE FUND UNIT, DORCHESTER.

Coun. WILSON offered the following:

Ordered, That the trustees of the White Fund, through his Honor the Mayor, be requested to advise the five Dorchester City Councilors with reference to the next meeting of the trustees; and that said trustees be urged to consider the construction of a White Fund Unit in the Dorchester district as a matter of necessity before the adoption of any plans to further beautify the city.

Coun. WILSON—Mr. President, I realize, of course, that in April, answering an order of last December, the trustees of the White Fund advised the Council, through the Mayor, that they were opposed to further construction of Health Units due to the fact that they originally contemplated seven Health Units. That is all very well for those sections of the city which were lucky enough to receive these units, except for the fact that that part of the city which comprises five out of twenty-two wards was entirely neglected. We are fortunate in the fact that there is sufficient accrued income now in the account of the White Fund to construct substantially more than one of these buildings, and I think the least that could be offered to the councilors from the Dorchester district and the people of that section is an opportunity to appear before the trustees of the White Fund to urgently request a White Fund unit in the Dorchester section of Boston. They have never yet been granted that, despite repeated requests. Of course, we should not be governed too much by what little birds say, but there were little birds which chirped to the effect that the White Fund Trustees were contemplating the construction of one of these beautiful prados—if that is the word—in some other section of intown Boston. With all due respect to the qualifications and desires of the White Fund Trustees for art and things artistic, the people in the five Dorchester wards are very much more interested in a White Fund Health Unit in Dorchester than they are in any more prados in intown Boston.

The order was passed under suspension of the rule.

### STREET CHANGES, BUNKER HILL MONUMENT SECTION.

Coun. WILSON offered the following:

Ordered, That the Public Works Commissioner, through his Honor the Mayor, be requested to advise the City Council in detail concerning any proposed street widening or other street changes in the Bunker Hill Monument section of Charlestown.

Passed under suspension of the rule.

### HEARING ON HOSPITAL SITUATION.

Coun. WILSON offered the following:

Ordered, That the Special Committee on Hospitals be requested and directed to hold a meeting during the current week to fix a date, also during the current week, for consideration of items of information requested of the trustees of the Boston City Hospital, through his Honor the Mayor, as more fully set forth in order for such information concerning the Boston City Hospital passed by the City Council unanimously on February 20, 1939; and further

Ordered, That the said Special Committee on Hospitals be requested to serve the trustees of the Boston City Hospital with a summons to appear before said committee during the current week at a time and on a date set.

Coun. WILSON—Mr. President, may I ask the City Clerk through you if the communication under date of May 1, which came through today, is the only one which has come through from the City Hospital Trustees in answer to the various questions? There has not been anyone except that.

President MURRAY—That is all the clerk is aware of.

Coun. WILSON—I wanted to be sure on that, Mr. President, before going on further. I notice that there came through today an answer by the trustees of the Boston City Hospital in response to the twenty-three questions submitted to them on February 27, entirely ignoring the questions of the previous week, which I assume have perhaps gone into the waste basket, but which will be resurrected, Mr. President, if any efforts on my part can do it, before this present discussion is closed. It is not important to the order now at issue, but I could not help noticing the answer of the trustees to the third question which was contained in the City Council order of February 27, where the question was asked whether or not there were a certain number—whatever the number was—of nurses as of February 21 actually ill and laid out so far as active work was concerned at the Boston City Hospital. It seems to me that the answer to that question has some significance as to the attitude of the City Hospital authorities not only to the members of the City Council but to the average nurse who is trying to learn nursing at the hospital. The answer to the question as to how many nurses were actually ill on February 21—taking a typical date—was this: "February 21, 1939, one supervising nurse, twelve staff nurses, one head nurse." Then the afterthought, "and any balance of illness was in the student body"—which I assume doesn't count, if I gather the attitude of the answer correctly. The purpose of this order, however, Mr. President, is this: On the 20th of February certain questions were submitted in writing to the trustees of the Boston City Hospital, and I will not go over any of the discussion that followed that but we will leave it just that the twenty-two councilors of the City of Boston, in accordance with the terms of the charter, submitted in writing to the trustees of the hospital certain questions for their response, and we waited and have waited from the 20th of February until now on the first day of May. I am inclined to believe that the trustees of the City Hospital, despite special statutes, are not entirely beyond reasonable questioning by the members

of the City Council of the City of Boston. I am inclined to believe that the Council can follow substantially the same procedure with reference to the trustees of the City Hospital that we undoubtedly can follow under the provisions of chapter 478 of the Acts of 1899 with reference to any department head, and I propose, unless I can obtain the answers to those questions propounded to the City Hospital Trustees, if it can be done, and if that is what they want, to test for good and all the powers of the City Council so far as the Boston City Hospital is concerned. I have purposely waited because, while there are those who say that at times I am unduly combative, believe it or not, I attempt to give the head of any department of the city every opportunity to treat the Council with respect, every opportunity to do the fair thing, and I do not go out—believe it or not—looking for trouble if it can be avoided. I am now asking information through this order, endeavoring so far as possible to follow the provisions of the statute, and I am asking that the special committee on hospitals of the City Council hold a meeting the early part of this week—because under the statute I understand that a matter of this kind should be referred to a special committee of the Council—and then asking that the Hospital Committee of the City Council set a date, also during the current week, for a meeting, to which the trustees of the Boston City Hospital shall be asked. I also ask that they be served with a summons demanding them to attend and answer these questions provided that prior to that time the trustees do not see fit to give us the answers to the questions sent them on the 20th of February. If the trustees of the Boston City Hospital fail to pay any attention to the summons—which I personally will be very glad to draw for the committee—it is my intention to ask the chairman of the Committee on Hospitals to ask either a Supreme Judicial Court judge or a Superior Court judge in this Commonwealth and county for a court order to bring in the trustees, and I am inclined to think we will get that order. But I go one step further, and I say that, so far as the authorities in charge of the Boston City Hospital are concerned, if the answers to the 20th of February questions do not come through, and if the special committee on hospitals fails to get the attendance of the Hospital Trustees, and if a court order fails to get their attendance or the answer to these questions, then so far as I am concerned I am going to ask the members of this Body to hold up the budget of the Boston City Hospital for such reasonable time as may be necessary for the Board of Directors of the City of Boston to be treated with reasonable respect. That is one department that I am going to ask the Committee on Appropriations and the Council to hold up. I have no particular axe to grind in this matter, but to some extent I am going to repeat what I said last week. Some of the members of this City Council are a little younger in years of service than some of the rest of us. Some of the older members may not be back another year. But after those years of service the thing that has impressed me as much as anything as the reason the City Council is in its present condition today is because we are too careless in not insisting on the few rights that the Council has. Somebody has got to teach me before I leave this Council in order for me to change my mind, that anybody, even the Boston City Council, which even nominally passes upon the budget of the Boston City Hospital, involving not thousands but millions of dollars, can't insist on obtaining certain relevant information regarding that department. If I am wrong in my beliefs on that, and if this City Council is supposed to pass on the budget involving millions of dollars without having the privilege of asking a single question of the trustees of the Boston City Hospital, then I announce, Mr. President, although it is pretty late in my service,

that they can jail me before they can make me vote on the budget of the City Hospital or any other department. I can't believe, Mr. President, that there is any law or statute which says that any member of the City Council, including myself, must vote for the appropriation of one dime without the privilege of speaking up in meeting. And so I hope that the trustees of the Boston City Hospital in their wisdom, will answer these questions of February 20 before the Hospital Committee gets out these summonses. But I am going to urge the passage of this order, and, if these answers do not come through within the next couple of days, that the Committee on Hospitals of the Council hold a meeting, that at that meeting they fix a date this week when the trustees of the City Hospital shall be summoned to attend a meeting, hoping that they will attend at that time, or at least send the answers, and if they do not attend or do not send the answers, then I state again that I personally, either through the committee or otherwise, so far as the law permits, will obtain from a judge of the Supreme Judicial Court or a judge of the Superior Court here in Suffolk County an order to show cause why the trustees should not appear and answer the questions.

The order was referred to the Executive Committee.

Ordered, That the Budget Commissioner, through his Honor the Mayor, be requested to furnish the City Council with the following items of information originally requested by letter in hand from Councilor Wilson to the Budget Commissioner on April 5, 1939:

I would respectfully request schedules which will give me the following information at your earliest convenience or, in any event, before final City Council action on the 1939 budget.

If one or two of the items might take longer to prepare, I would meanwhile appreciate advices as to such items as should be easily ascertainable.

1. The total actual expenditures by the Public Welfare Department (Central Office) for 1938.
2. The total amount of money raised by loans to supplement actual appropriations for Public Welfare purposes during 1938.
3. The total number of persons on the Public Welfare Department rolls receiving city aid as of:
  - a. April 1, 1938.
  - b. April 1, 1939.
4. The total amount of actual expenditures by the Public Welfare Department:
  - a. for the first three months of 1938.
  - b. for the first three months of 1939.
5. The total actual expenditures by the Soldiers' Relief Department in 1938.
6. The total number of persons on the relief rolls of the Soldiers' Relief Department as of:
  - a. April 1, 1938.
  - b. April 1, 1939.
7. The actual expenditures by the city:
  - a. during 1938, for the purpose of defraying Boston's share of W. P. A. projects.
  - b. The total amount allowed for the same purpose in the 1939 budget.
8. The total number of persons on Boston W. P. A. projects as of:
  - a. April 1, 1938.
  - b. April 1, 1939.
9. The total number of city department employees as of:
  - a. April 1, 1938.
  - b. April 1, 1939.
10. The total number of county department employees as of:
  - a. April 1, 1938.
  - b. April 1, 1939.
11. The number of actual vacancies created by death, retirement, or otherwise during 1938 and not yet filled:
  - a. In city departments.
  - b. In county departments.
  - c. The annual salary total for such positions which became vacant during 1938 and were not refilled.

12. The total actual expenditures in 1938 for Personal Service in city departments.

13. The total amount allowed in the 1939 budget for Personal Service in city departments.

14. The total actual expenditures in 1938 for Personal Service in county departments.

15. The total amount allowed for Personal Service in the 1939 budget in county departments.

16. A schedule showing by departments for the city and for the county:

a. The number of employees in each class who received \$2,100 or more in 1938 and who are allowed a step-rate increase in the present budget

b. The amount received by the same during the year 1938.

c. The proposed amount to be received by the same under allowances made by the Mayor in the 1939 budget.

Coun. WILSON—Mr. President, I might say with reference to those queries to the Budget Commissioner, that I think they were handed to him April 5. I may be wrong, but it seems to me that most of the inquiries would be helpful to the members of the Council, and I am very sure they would be helpful to me in my groping efforts to endeavor to help the taxpayers of the City of Boston during the year 1939. I realize that the Budget Commissioner has been very busy and that he has been attending the hearings of the Committee on Appropriations not only in person but accompanied by two or three of the employees of his office. So far as my vote is concerned, Mr. President, unless or until the information urgently requested, courteously requested in the letter of April 5—almost a month ago—is furnished, I again give notice that I shall not vote favorably on any item in any budget of any city department of the City of Boston. The time has apparently come, Mr. President, when the members of the City Council are supposed to be in sort of an honorary position. They are either so much window dressing or twenty-two figureheads to whom the "huck" is supposed to be passed when anybody wants to evade responsibility. But its advice or counsel or mentality, if any, is not expected to be used at any time except, as I say, in such circumstances that somebody may want to "pass the buck" to them. Then they are the members of the Council and they are very important. I am amazed at the tardiness and the delays with which the average questions directed to the various city departments are answered. I will frankly admit that I am sick and tired of it. I refuse to come in here week after week as a figurehead. I refuse to come in here, elected by the people of one section of the city,—which no department head can say that he is,—and ask questions in a courteous, businesslike manner, and then wait week after week for a response. It is not a question of my being swelled up in this position, Mr. President, but I still carry the old idea,—it may be a delusion,—that I have been sent here for a purpose other than just to drag down \$2,000 a year reward. So long as I remain a member of the City Council, and so long as, at least in theory, I am here representing 34,000 people police listed in that ward, I am going to get information from the department heads of the City of Boston, or, so far as I am concerned, from now on the business of the city, if it needs my vote, is going to be tied up indefinitely.

Coun. TAYLOR—Mr. President, while I agree with the councilor from the Dorchester district regarding the department heads answering questions, before I vote on it I would like to know what the questions are, if the councilor from Ward 17 has no objections.

Coun. WILSON—I certainly have no objections, and I should be glad to have a few minutes of the time of the assistant clerk taken by having the order read in full. Also, I would be very glad indeed to have every member of the Council listen to the questions, realizing that he is to vote on the budget for 1939, and to pick out any one of those questions that is not relevant, in the opinion of any man who intends to vote one way or



the other on the budget. If there is any member of the Council who feels that any one of these questions is not relevant, before he votes on the budget for 1939, I would be glad to have the question stricken out.

Coun. TAYLOR—Mr. President, I don't know whether the councilor from Ward 17 misunderstood me. All I wanted to know was what I am voting on.

Coun. WILSON—Mr. President, there is no misunderstanding.

The clerk read the complete order as printed above.

The order was passed under suspension of the rule.

#### REPAIRS ON MOTOR VEHICLES.

Coun. WILSON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to advise the City Council promptly, with reference to repairs to motor vehicles, etc.:

1. The number of passenger cars in the entire department in each of the years from 1934 to date, inclusive.

2. The number of trucks in each of said years.

3. The number of automobile mechanics in the department each year.

4. The amount expended for motor vehicle repairs during each of said years.

5. The date on which the most recent large purchase of trucks was made.

6. The names of the concerns who handled motor vehicle repairs for the department:

- a. during 1938.
- b. during 1939.

Passed under suspension of the rule.

#### COMMISSIONS ON OPTIONS FOR HOUSING AUTHORITY.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to advise the City Council whether a two per cent commission is being paid to authorized persons obtaining signed options on parcels of real estate incident to plans for the contemplated new housing projects; and further

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to advise the City Council the names of such persons authorized and the amount of commission paid in each case to date.

Coun. WILSON—Mr. President, with reference to these housing projects, of course it may generally be assumed that personally my vote is in the bag. I am so much against these housing projects all the time, especially in the City of Boston. I am very sure that the Mayor will be glad to furnish the information requested. Perhaps the report that comes to me is erroneous. My understanding, however, is that we are gradually buying up or arranging for the buying of property in at least five sections of the city, in preparation for the construction of at least five new housing projects. My understanding is that appraisers have been sent around to put appraisal valuations on the various parcels, and presumably the price to be paid has been fixed so far as the Housing Authority is willing to go. Now, if that is so, in view of the fact that the Housing Authority has an office force, in view of the fact that there are employees paid by that department, if the report is correct, I can't understand why any man or any men in Boston should be paid any commission of 2 per cent, or any per cent, for the act of going around to the property owners at these various locations, showing the option at the price that has been fixed, and getting him or her to sign on the dotted line. I don't know why anybody, acting for the Boston Housing Authority or for anybody else, should go around, for example, to two pieces of property worth \$10,000 and get the

owners to sign on the dotted line, when there is a fixed price, and come back and get a check for \$200 for his time. If that is so, Mr. President, I think it is high time it was stopped.

Coun. CAREY—Mr. President, I want to go on record as heartily agreeing with the councilor in his order. It has come to my attention within the last couple of days that commissions are being paid in my district where a housing project is to be constructed. I do not feel personally that there is any need of sending a real estate salesman out buying up these parcels. The price has been determined, and I feel that if there is to be any money paid it should go to those poor unfortunates who are being forced, in many cases, to give up their homes. If there is going to be any profit I would give it to those who are to be deprived of their homes and who must go out and rehabilitate themselves.

The order was passed under suspension of the rule.

#### DISPOSITION OF HOUSING AUTHORITY APPROPRIATION.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to promptly furnish the City Council with a detailed schedule giving the items and amounts in the disposition of the appropriation of \$20,000 voted by the City Council for the Boston Housing Authority on February 28, 1938; also the date and amount of any reimbursement made to date on account of said appropriation, and the dates and amounts of payments made for the 1938 so-called service charge at Old Harbor Village.

Coun. WILSON—Mr. President, that order is introduced perhaps partly on the theory that there is no harm in asking. Very likely if one had the time to delve into the records of the City Auditor one could dig out the information, but it is provided in the charter that the members of the Council, wishing to obtain information, can file an order such as this. Of course I bear in mind that at our meeting of February 28, 1938, there came through a letter from the Mayor dated February 28, 1938, accompanied by a letter from the Boston Housing Authority dated February 24, asking the City Council to appropriate the sum of \$20,000 out of the money of the taxpayers, underwriting the operating expenses of the Housing Authority, fortunately on definite, determined conditions, and this was the condition. Although I voted against the \$20,000 being taken out of the pockets of the taxpayers, I supported the Housing Authority, but this was the condition, or the basis on which I assume those councilors who did vote for the \$20,000 voted for it: "The money so appropriated will be a first charge against revenues from the project and will be returned to the city treasury before the close of the year." That is quoting a letter from the Mayor under date of February 28, 1938. Quoting from the letter from the Housing Authority under date of February 24 to the Mayor:

"This letter is to request that an appropriation of \$20,000 be made available for the Boston Housing Authority for its use during the remainder of the current year. The money will be used for the following purposes:

1. The expenses in connection with taking over Old Harbor Village, particularly the expenses in connection with the investigation of tenant eligibility.

2. Further study on projects already initiated.

3. For development of new projects.

4. General administration of the Housing Authority.

Sums of money spent in connection with the Old Harbor Village project will be a first charge against revenues of the project and any sum spent in that direction will be returned to the city treasury on or before December 31, 1938. It is also permissible for the Housing Authority

to charge against the operation of any project a pro rata share of its own administrative expenses. Such sums of money as are collected from the projects in this manner will be reimbursed to the city treasury as they are received."

So I have asked in this order, Mr. President, first, that we be advised as to dates and amounts when payments were made in accordance with the pledge of the Housing Authority and the promise of the Mayor before December 31, 1938, for the return of the \$20,000 of the taxpayers' money which was used by the Boston Housing Authority; second, what the \$20,000 went for; and third, with reference to the so-called service charge, over which there was so much discussion, and the dates and amounts when the service charge, if it was paid, was paid to the City of Boston for the calendar year 1938.

The order was passed under suspension of the rule.

#### USE OF ELECTRICITY, NEW COURT HOUSE.

Coun. CHASE offered the following:

Ordered, That the custodian of the new Suffolk County Court House be requested, through his Honor the Mayor, to curtail on the expense of electric lighting by a more economical use of electricity, namely, the court house employees should be instructed to promptly put out lights in parts of the building not in use, or when not needed; and be it further

Ordered, That the custodian of the new Suffolk County Court House be requested, through his Honor the Mayor, to use only every other light in the corridors of the new court house.

Coun. CHASE—Mr. President, it may be of interest to the Council to know that the sheriff is allowed \$24,850 for lighting expenses for the new Suffolk County Courthouse, whereas this year he was allowed \$8,500 for lighting expense of the old courthouse. Now, it seems to me, Mr. President, that there is a lot of unnecessary use of electricity in the new Suffolk County Courthouse. I personally have paid one visit, and I found in the corridors of that new courthouse, which few people use, an excessive use of lights. I daresay that the taxpayers of Boston, the people in Hyde Park, West Roxbury, the Back Bay, and every other section of Boston, who pay the bills for the lighting of that courthouse, would be up in arms if they realized the excessive use of electricity that is going on there. Now, Mr. President, I realize that the sheriff is not to blame. I know that the fault lies with the County Courthouse Commissioners, who spent an excessive amount of money for elaborate fixtures and for powerful lamps. The fault lies on their shoulders. Nevertheless, I feel that the County Commissioners of Suffolk County should help the sheriff by complying with these specific recommendations. The Committee on Appropriations interviewed the sheriff and called to his attention that there was more light being used in the courthouse than necessary, and he threw up his hands in dismay and said, "Gentlemen, what can I do; when the judges up there say, 'Let there be more light,' I am powerless to say, 'No,' I have to switch on the lights." So that I feel, Mr. President, that this order is merely helping the present sheriff. It is not criticizing him, and I hope that the Council will pass this order, because I know that the taxpayers of Boston would be up in arms if they realized what was going on.

Coun. AGNEW—I move that that order be referred to the Executive Committee.

The order was referred to the Executive Committee.

#### LAYING OUT OF LAROSE PLACE.

Coun. AGNEW offered the following:

Ordered, That the Board of Street Commissioners, through his Honor the Mayor, lay

out and construct LaRose place, Ward 21, as a public way, such work and construction to be done as a W. P. A. project.

Passed under suspension of the rule.

#### DUMPING OF GARBAGE AND REFUSE.

Coun. CAREY offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to take whatever steps may be necessary to prevent the dumping of garbage and refuse on vacant lots, whether owned by the City of Boston or by private individuals, where no license has been issued and where such dumping is a nuisance to residents of the neighborhood and a menace to the health of the community.

Ordered, That the Health Commissioner be requested, through his Honor the Mayor, to take whatever steps may be necessary to prevent the dumping of garbage and refuse on vacant lots, whether owned by the City of Boston or by private individuals, where such dumping is a nuisance to residents of the neighborhood and a menace to the health of the community.

Coun. CAREY—Mr. President, the taxpayers of Boston maintain the Sanitary Department for the purpose of properly collecting and disposing of garbage and rubbish. In my district, as in every other district, no doubt, there are many vacant lots of land. Some of them are owned by the City of Boston and some by private individuals. There is a natural disposition on the part of some people to use this property of others for the purpose of dumping garbage and rubbish on it. This self-assumed right of these people to so use other people's property is unfair and shows a gross disregard of civic pride, in addition to creating a menace to health. I am sure that by far the greater number of our residents are proud of our city, and, in fact, loathe this miserable practice indulged in by some of throwing garbage and rubbish and abandoned automobile bodies anywhere as long as they can get rid of it. This practice should be and must be stopped, and I hope that the Health Commissioner will, in cooperation with the Police Commissioner, take all steps necessary to have these vacant lots cleaned up and to prevent the dumping of refuse materials in the future.

The order was passed under suspension of the rule.

#### RESURFACING BROOKFORD STREET, WARD 13.

Coun. HUTCHINSON offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Brookford street, Ward 13, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### ROPING OFF STREETS.

Coun. KELLY offered the following:

Ordered, That the City Messenger be authorized to rope off streets in connection with the Dorchester Day Celebration, Saturday, June 3, 1939, expense of same to be charged to the appropriation for Flags, Ropes and Stakes.

Passed under suspension of the rule.

#### STREET LAYING OUT, WARD 20.

Coun. LYONS offered the following: Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out the following streets in Ward 20 as public highways, under the W. P. A. plan of construction: Emmons road, Temple terrace, Sunset Hill path.

Passed under suspension of the rule.

## FIRE STATION, GROVE STREET SECTION.

Coun. LYONS offered the following:  
 Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to advise the City Council with reference to the possibility of establishing a fire station in the Grove street section of Ward 20.

Passed under suspension of the rule.

## SURVEY OF GROVE STREET SECTION.

Coun. LYONS offered the following:  
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a survey of the Grove street section of West Roxbury for the purpose of ascertaining what can be done in the matter of installing sewers and constructing streets.

Passed under suspension of the rule.

## SIDEWALKS, WARD 20.

Coun. LYONS offered the following:  
 Ordered, That the Commissioner of Public Works make a sidewalk along Westbourne street, from Beech street to West Roxbury Parkway, Ward 20, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of granolithic, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Commissioner of Public Works make a sidewalk along DeSoto road, from 5134 Washington street to Willers street, Ward 20, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Severally passed under suspension of the rule.

SURVEY PARSONS STREET UNDERPASS,  
WARD 22.

Coun. SULLIVAN offered the following:  
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a survey of conditions at the Parsons street underpass, Ward 22, and to confer with the Boston & Albany Railroad and Public Utilities authorities relative to the possibility of improving conditions at that point.

Passed under suspension of the rule.

## RESURFACING WARD 22 STREETS.

Coun. SULLIVAN offered the following:  
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 22, under the W. P. A. plan of construction:

Bradbury street, Alcott street, Hano street, Myrick street, Blaine avenue.

Passed under suspension of the rule.

## SIDEWALK, NEWTON STREET, WARD 22.

Coun. SULLIVAN offered the following:  
 Ordered, That the Commissioner of Public Works make a sidewalk along Newton street, both sides, from Brooks street up to and including Nos. 47 and 48, Ward 22, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

## RECESS.

President MURRAY at 3.35 p. m. declared a recess subject to the call of the Chair. The members reassembled at 5.25 p. m.

## EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) that \$70,000 be appropriated from income of George F. Parkman Fund, to be expended under direction of Park Commissioners—that same ought to pass.

Report accepted; said order passed, yeas 18, nays 0.

2. Report on petition (referred today) for children under fifteen years of age to appear at places of public amusement, viz.:

Howard Wilson, Y. M. C. A., April 29—recommending that leave be granted under usual conditions.

Report accepted; leave granted under usual conditions.

3. Report on order (referred today) that Special Committee on Hospitals hold a meeting for hearing re City Hospital—recommending reference to Committee on Hospitals.

Report accepted; said reference ordered.

4. Report on ordinance (taken today from Committee on Ordinances and referred to Executive Committee today) concerning sale of cigarettes, cigars, etc., by vending machines—that same ought to pass.

The report was accepted and the question came on the passage of the ordinance.

Coun. ROSENBERG—Mr. President, some time ago the ordinance for the purpose of licensing tobacco vending machines was before the Council and a \$50 license fee was suggested. It was later amended, and at the present time a license fee of \$25 has been recommended. It is our duty and our responsibility, I believe, for the purpose of attempting to secure as much revenue for the city as is possible, with the least possible expenditure on the part of the city, to collect such revenue. There is in this proposed ordinance a suggestion that supervision be made by the Police Department, the Health Department, and the Sealer of Weights and Measures. There is also a suggestion with respect to minors who might use these machines. I believe that as far as the Police Department is concerned, the Health Department, and the others mentioned, we already have on our books laws, rules and regulations which deal with the sale of merchandise to minors, which covers that matter and which guide the departments concerned. Our particular purpose is the purpose of bringing in revenue to the city. We have, as I understand it, no taxing authority. We can pass acts here for the purpose of bringing in revenue under license fees. A \$25 license fee, as suggested by the Committee on Ordinances and reported to us here, in my opinion is not a license but a tax on the sale of cigarettes in vending machines. Something has been said with reference to merchandise and to its purchase status, whether it is purchased legally or illegally. I believe, if the question arose, the authorities would deal with any illegal purchase of commodities sold in these vending machines. I feel that a \$25 assessment as proposed here is actually driving out a so-called legitimate business that has been established and carried on. I do not believe that these machines are depriving of business any of the persons who are in the business of selling tobacco in the City of Boston. We find tobacco being sold not exclusively in tobacco stores, and if we are going so far to protect the business, we might bar the sale in drug-stores or other places. As to a license fee, I believe that if we are going to put any such fee on, it should be a license fee that will stand a test in court. Let us not pass a bill here that will come back to us either vetoed by the Mayor on advice of the Corporation Counsel or which the Supreme Court of this Commonwealth might turn back as one that is a tax and not a license fee. Let us impose a reasonable license fee about which there will be no question. Why should we put into effect something that will have to be tested out in court, and which may be ruled out as a tax and not a license fee?

I believe that if we invoke a license fee that is reasonable it will work out all right. As I have stated on previous occasions, if there are 1,500 machines in Boston, let us put a \$5 license fee on each of those machines, and if they pay the license fee, and if they stay here, we know that they are able to pay that license fee, but if we put a larger fee on them we will not really be putting on a license fee but actually putting on a tax to drive out an industry that no one has come in here and asked us to drive out. In previous years, as I understand it, these machines, and the merchandise sold in them, were not taxed by the authorities, but this year they are contemplating taxing them on their machines and taxing them on their merchandise, and all we can do is to impose a reasonable license fee. I therefore believe that, acting sanely, acting for the purpose of bringing in revenue, acting in a manner that is going to benefit the city and at the same time keep these machines going, it is in no way depriving persons of their business and their livelihood, it is not driving out anyone from employment, because if the machines are done away with or prohibited they are going to sell them, as I have said before, over the counter competing with the small tobacco dealers. They are selling now in the machines at a larger price than is charged in other establishments. I therefore move at this time that the ordinance as reported here be amended by striking out the word "twenty-five," and by substituting in place thereof the word "five."

The question came on the adoption of the amendment.

Coun. WILSON—Mr. President, with reference to the proposed ordinance and the earlier action in the Council, not to mention the earlier action of the Mayor with reference to the city ordinance to prohibit the use of these machines in the City of Boston, it of course was nothing new. There is nothing particularly novel or startling about either ordinance. As has been stated for the record before, there was a license fee of \$50 for each machine in the city of Chicago for a number of years, following which time the machines were prohibited by city ordinance in the city of Chicago. There were similar license fees in other cities in the country. There were prohibitions of vending machines in other cities in the country. I personally favored an ordinance which would prohibit the use of cigarette vending machines in the City of Boston. It is not so novel but that I understand there is a bill in the Legislature now pending which would forbid the use of these machines not only in Boston but anywhere in the Commonwealth of Massachusetts. Now, as one who, now being of age, smokes cigarettes, and smokes too many of them, I would call attention to the fact that there is a penal statute at the present time forbidding the sale of cigarettes or tobacco products to any minor in the Commonwealth of Massachusetts. To be sure, it is familiar more by its breach rather than by its observance, but, at least, where sales are made in the package tobacco stores, where the proprietor of the store runs a tobacco store, the child going in to buy is obviously in there for a reason, and there is some reasonable degree of supervision, which does not exist in an automatic vending machine selling cigarettes in an hotel, in an apartment house entry, or some garage or a gas station—and there are hundreds of them in the gas stations in the City of Boston. In the imposition of a license fee we have a right to consider the question of the retail dealer, and in order that it shall not be said to be a tax the license fee must be a fair fee, which would recompense the City of Boston and its various departments for the degree of supervision and work involved. Now, the city of Chicago in the great state of Illinois, is reputed to be a fairly large, thriving, important place, and I venture to state that if making the original Chicago license fee \$50 a year on these vending machines was unreasonable, it would have been found out in

Chicago very long ago. In the early hearings before the Committee on Ordinances, a representative of the Law Department of the City of Boston stated in my hearing to the committee, as the opinion of the Law Department, that a license fee of \$50 a machine was not so large as to be a tax which he felt would be set aside by any court on that ground. Now, I don't know why there should be this backing away from a reasonable license fee. A man who runs a liquor establishment in Boston pays some \$1,200 a year for his liquor license, and that seems, or did seem, a lot of money. But there is so much competition for those licenses that they had to put a stop order on the number that could be obtained in the city. I am not convinced for one moment—and it is none of our business—that the basis of this automatic vending machine business is charity. I do not believe that for one minute. But I do have regard for the gentlemen who are in the business, whether they are running it on a charity basis or running it on some other basis. One gentleman even went so far as to admit to the Council that he was just eking out a living with a few hundred machines in Boston, as a result of which he was realizing \$40 a week for his time and 6 per cent on his investment. What they are making or are not making is immaterial. Whether a given location is making money selling liquor and creating drunkards in Boston is entirely beside the question of what the license fee for running a tavern in this city should be. Now, the Law Department has stated to us that in their opinion \$50 is not such an excessive license fee that it would be considered by any court to be a tax. I do not advocate the passing of this or any other ordinance to charge a license fee for the use of these cigarette vending machines as a subterfuge. I visualize some real supervision of these machines by the City of Boston. I anticipate that the Board of Health and the Sealer of Weights and Measures, and most especially the Police Department, will do a certain amount and a considerable amount of work with reference to the machines. I personally believe that it is incumbent on the Police Department of the City of Boston to know where these machines are, to know who owns them, to know who operates them, to know that there is a sign on them that specifically forbids the purchase of cigarettes by minors,—a sign that you can read without a magnifying glass. I believe that this sale of cigarettes—and I repeat that I smoke too many of them—tobacco being a drug, and a drug forbidden to minors in the Commonwealth of Massachusetts, is an item which should logically and properly be licensed in any self-respecting city or town in the Commonwealth. I will frankly admit that I hope to see the Massachusetts Legislature prohibit the use of these machines in the state. But whether or not they take that action, they should be licensed, and I urge, Mr. President and members of the Council, that, in view of the fact that the license fee in the city of Chicago was \$50 a machine, a license fee of half that amount can't be considered such a license fee as to be construed by any court as a tax. I can't follow the logic of the argument which says that we should creep up on the subject, license them at \$5 a machine, and if nobody goes to court that we next year raise the ante to \$10, and if nobody takes it to court raise the ante to \$15. I should like to see the question settled as to whether or not the City of Boston can place a fair license fee of \$25 a machine on the automatic selling of a known drug, and I for that reason shall vote to license each machine at an amount which I consider half the fee that should be upheld by the courts.

Coun. ROSENBERG—Mr. President, I just want to say one word. Our Corporation Counsel recently rendered an unofficial opinion that a \$25 license fee might be construed as a tax, and cited, after research I believe, the ruling of the Supreme Court of Michigan that a \$5 fee was a reasonable license fee for machines in that state. Also, I understand that in Massachusetts not only is there, as my colleague stated, a bill to prohibit these machines

in the Commonwealth, but also a bill setting a flat license fee on vending machines, including tobacco, music, and candy machines throughout the Commonwealth. As I have stated before, I believe that a \$5 license fee is really a license fee, and that if we are going to put anything higher than that on these machines we are going to impose a tax which will be vetoed and declared unconstitutional in this Commonwealth. I therefore press my amendment at this time.

The question came on the adoption of Coun. Rosenberg's amendment. The amendment was declared rejected. Coun. ROSENBERG doubted the vote and asked for the yeas and nays. The roll was called and the amendment was rejected, yeas 6, nays 11:

Yeas—Coun. Hutchinson, Irwin, Langan, Rosenberg, Shattuck, Sullivan—6.

Nays—Coun. Agnew, Carey, Chase, Englert, Fish, Galvin, Kelly, Kerrigan, Murray, Taylor, Wilson—11.

The question came on the passage of the ordinance as reported.

Coun. CHASE—Mr. President, I will say that I recall a few months back where the Retail Tobacco Association wrote to various members of the Council urging them to place some sort of a reasonable fee on these cigarette vending machines. I personally received forty-odd letters from various persons in my district. They called to my attention the fact that they were at the present time paying license fees for the privilege of operating their businesses, and that these cigarette vending machines neither pay a personal property tax nor a license fee, and they also said that the machines offered unfair competition. They urged the members of the Council to impose a license fee, I believe to the tune of \$50 a year, on these machines. Since then, Mr. President, these very same merchants, the little variety store man and other small retailers in the district, have been subjected to various increases in their license fees. For example, their license fee on milk has gone up, their license fee on ice cream has gone up, their license fee on tonics and beverages has gone up. The fee for the privilege of hanging a sign over their doors has gone up. They pay these increased license fees without any protest, and pay them as good citizens. Yet these very same people are faced with the competition of these cigarette vending machines which pay neither a license fee nor a personal property tax. I happen to know from personal knowledge that some of these vending machines sell anywhere from 300 to 400 packages a week, and it does seem to me that a 48-cent license fee per week is entirely reasonable considering the circumstances. If I thought that such a license fee was unreasonable, Mr. President, I for one positively would vote against it; but considering everything I feel that a \$25 annual license fee is reasonable under the circumstances, and I hope that the Council will adopt the order.

The question came on the passage of the ordinance. The ordinance as reported was adopted.

#### ANGLE PARKING, ALLSTON.

Coun. AGNEW offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to permit angle parking on Brighton and Harvard avenues, Allston.

Passed under suspension of the rule.

#### TRAFFIC CONDITIONS, CITY SQUARE, CHARLESTOWN.

Coun. GALVIN offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make a survey of traffic conditions in City square, Charlestown, and establish rotary traffic.

Passed under suspension of the rule.

#### WARD 19 IMPROVEMENTS.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a sidewalk along the right-hand side of May street, from Centre street to Pond street, Ward 19, under the W. P. A. type of construction.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to reconstruct under the W. P. A. plan of construction, Pond street, Ward 19, from Centre street to the Jamaica way.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out as a public highway Starr lane, Ward 19, under the W. P. A. plan of construction.

Ordered, That the Street Commission, through his Honor the Mayor, be requested to accept and lay out Herbert road and Northbourne road, Ward 19, as public highways under the W. P. A. plan of construction.

Severally passed under suspension of the rule.

#### DRAINING OFF MUDDY RIVER, HYDE PARK.

Coun. LANGAN, for Coun. Norton, offered the following:

Ordered, That the Metropolitan District Commission be requested to immediately consider the advisability of draining off the so-called Muddy River, "Our Pond," in the Hyde Park area where three boys lost their lives last week. This work could be done with W. P. A. labor.

Passed under suspension of the rule.

#### NAMING OF INTERSECTION FOR MARY A. DOHERTY.

Coun. LANGAN, for Coun. Norton, offered the following:

Ordered, That the Board of Street Commissioners, through his Honor the Mayor, consider the advisability of naming the intersection at the corner of Standard, Freeland and Manchester streets in Ward 18 in honor of the late Mary A. Doherty, a World War nurse, who died from sickness contracted in line of duty.

Passed under suspension of the rule.

#### JUVENILE DELINQUENTS.

Coun. LANGAN, for Coun. Norton, offered the following:

Ordered, That the Mayor of Boston consider the advisability of calling together police, school and other officials to determine if it is not possible to work out a plan whereby a number of the juveniles who are now brought to police stations may have their cases handled in some other manner similar to that employed in other American cities. Each year Boston has over 100 boys and around 30 girls under the age of ten who are arrested and approximately 2,000 boys and 200 girls between the ages of ten and under seventeen. It may be possible to arrange matters so that some of these cases can be handled at school centers instead of at police stations.

Passed under suspension of the rule.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

1. Report on petition (referred March 27) of John J. O'Hearn to be reimbursed for amount of judgment issued against him on account of his acts as operator of motor

vehicle belonging to Sanitary Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of thirty-nine dollars and seventy cents (\$39.70) be allowed and paid to John J. O'Hearn in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

2. Report on petition of Wendell A. McKinnon (referred April 3) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of ninety-five dollars (\$95) be allowed and paid to Wendell A. McKinnon in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

3. Report on petition of James J. Bean (referred April 3) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to City Hospital—recommending passage of accompanying order, viz.:

Ordered, That the sum of one hundred nine dollars (\$109) be allowed and paid to James J. Bean in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the City Hospital, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

4. Report on petition of James J. Bean (referred April 3) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to City Hospital—recommending passage of accompanying order, viz.:

Ordered, That the sum of twenty-seven dollars and fifty-five cents be allowed and paid to James J. Bean in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the City Hospital, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

#### PLACING OF WIRES UNDERGROUND.

Coun. ROSENBERG offered the following: Ordered, That the Corporation Counsel be requested to confer with the Board of Public Utilities relative to having all overhead wires placed underground in order that better service may be available to users of lights and telephones, and prevent the interruption of service during severe storms.

Passed under suspension of the rule.

#### PROPOSED BYRNES BILL.

Coun. ROSENBERG and NORTON offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Senators and Congressmen from Massachusetts with a view of protesting the proposed Byrnes bill in Congress dealing with the future of the W. P. A. which will call upon cities and towns to contribute approximately 30 per cent more money than is now being asked for under the present W. P. A. rules and regulations.

Passed under suspension of the rule.

#### REGULATION OF CIGARETTE VENDING MACHINES.

Coun. WILSON offered the following:

Ordered, That the attached suggested Rules and Regulations incident to proposed licensing of cigarette or tobacco vending machines

be forwarded, through his Honor the Mayor, to the Police Commissioner for his consideration.

Suggested Rules and Regulations to be Established for Licensing of Cigarette or Tobacco Vending Machines.

1. Any person, firm or corporation using, locating, installing, keeping, maintaining, or permitting said use, location, installation, keeping, or maintenance of a cigarette or tobacco vending machine upon his premises shall first make application in writing for a license for each said machine to the Police Department, which application shall set forth the name, nationality, residence, and present occupation of the applicant and that such applicant is a citizen of the United States; the full name and address of the proposal licensee; the full name and address of the owner of said machine; the specific name and kind of machine, with the name and address of the manufacturer, and the specific location where the machine is to be set up and operated.

2. Any firm or corporation making such application shall designate in writing the member of such firm or the individual officer of such corporation to execute such application in the name and behalf of said firm or corporation.

3. No person not a citizen of the United States shall be granted such a license.

4. Upon conviction, as set forth in Section 3 of the Ordinance, the license or licenses of any person or persons, firm, or corporation so convicted shall be revoked and at least six months shall elapse before another license or licenses shall be granted to said person or persons, firm or corporation.

5. A license for any such machine shall be a license for such machine only at the location specified in the application and any transfer of such machine to another location shall require a new license.

6. Each license granted shall be for a separate machine or apparatus at a designated location for a period of one year, or part thereof, upon payment of a license fee of twenty dollars per annum for each machine at such location, which license shall expire on the 31st of December following the granting thereof, and similar application shall be made for the renewal of any such license.

7. The licensing authority, or the Sealer of Weights and Measures, shall issue a metal plate to the applicant, which shall be fastened or exposed in a conspicuous place on each machine so licensed before such machine may be used or operated. Such plate shall specify the year of the current license, the name and address of the owner, the name and address of the licensee, the address of the location where such machine is licensed to be operated, and a statement that such machine is not to be operated by any minor.

8. Before such machine is licensed, it shall annually be tested as to its mechanical operation by the Sealer of Weights and Measures of the City of Boston, who shall certify to the licensing authority that the machine is in proper working order. The Sealer may test such machines at such other times as he may deem necessary or expedient and the license of any machine certified by him as having been found not in good mechanical working order shall at once be revoked.

9. The Board of Health, at intervals, may inspect such machines and if, on such inspection, the merchandise in such machines is found not to be reasonably fresh and merchantable, or if the machine or merchandise is certified by the Board of Health not to be in sanitary condition, then the license shall be at once revoked.

10. It shall be the duty of the Police Department to keep such machines under reasonable supervision and to diligently and promptly institute prosecution in any and all cases where any such machine is operated by a minor.

Adjourned, on motion of Coun. GALVIN, at 5.56 p. m., to meet on Monday, May 8, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, May 8, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair and all the members present.

## JURORS DRAWN.

Twenty-five traverse jurors for the April sitting of the Superior Civil Court, to appear May 10, 1939 (Coun. McMahon presiding at the box in the absence of the Mayor), were drawn as follows:

Twenty-five traverse jurors, Superior Civil Court, April Sitting, to appear May 10, 1939:

Antonio Fucarino, Ward 1; Frederick J. Leveroni, Ward 1; James A. Melville, Ward 1; Jeremiah C. Harrington, Ward 2; Giovanni Orandella, Ward 2; Harold G. Robinson, Ward 2; Joseph F. Norton, Ward 6; James A. Sears, Ward 7; Walter E. Morrissey, Ward 8; David B. Walsh, Ward 9; M. Peter Warren, Ward 10; William A. Blake, Ward 12; Joseph F. D'Orval, Ward 12; Walter N. Johnson, Ward 12; William G. Pye, Ward 12; John J. Fitzpatrick, Ward 13; Joseph H. Vaughn, Ward 16; George S. Briggs, Ward 18; John Gannon, Ward 19; James J. Heggie, Jr., Ward 19; Edward W. Oberle, Ward 20; Thomas A. Bailey, Ward 21; Alexander Robinson, Ward 21; Henry L. Martin, Ward 22; Thomas J. McCarty, Ward 22.

## TRAFFIC SIGNALS, BENNINGTON STREET.

The following was received:

City of Boston,

Office of the Mayor, May 8, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of March 20, 1939, concerning the provision in the 1939 budget of a sum sufficient to cover the installation of four traffic signal lights on Bennington street, East Boston, from Neptune road to Orient Heights.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,

Traffic Commission, May 3, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston,

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated March 20, 1939, which reads as follows:

"Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to provide in the 1939 budget a sum sufficient to cover the installation of four traffic signal lights on Bennington street, East Boston, from Neptune road to Orient Heights."

Traffic signals are put in through loan orders. No provision is made in our budget for the installation of new traffic signals.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

BARRING OF HEAVY TRUCKS,  
FLETCHER STREET.

The following was received:

City of Boston,

Office of the Mayor, May 8, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of March 27, 1939, concerning the barring of heavy trucks from the use of Fletcher street, between South and Centre streets, Ward 20.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,

Traffic Commission, May 3, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston,

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated March 27, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to bar heavy trucks from the use of Fletcher street, between South and Centre streets, Ward 20, and to place suitable signs to this effect at both ends of said street."

During recent years this commission has had several previous requests from residents of Fletcher street to have heavy trucks prohibited from the area.

Each time that requests have been received we have made checks of the use of the street by heavy commercial vehicles and as a result of this Council order we had a check made on April 27, 1939, between the hours of 6.30 a. m. and 10 a. m., the hours of the day during which it is alleged many heavy trucks use the street, and this check showed that a total of fourteen commercial vehicles use the street and only two of them were of over two and a half tons capacity, which is the only type which would be excluded if our rule prohibiting the use of a street by heavy trucks were invoked.

We do not believe, therefore, that conditions in this street warrant the adoption of a prohibitory rule, particularly since it is our universal experience that where such a rule is established in a residential street in a suburban area the invariable result is that trucks which were wont to use the street before the adoption of the rule transfer their activities to adjoining streets, thus creating an endless chain of protests from the neighboring streets.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

## RESURFACING WARD 13 STREETS.

The following was received:

City of Boston,

Office of the Mayor, May 8, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 3, 1939, concerning the resurfacing of the following streets in Ward 13:

Mayfield street, Hinkley street, Fairbury street, Dacia street, Morrill street, Woodcliff street, Bakersfield street, Folsom street.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,

Public Works Department, May 1, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface, under the W. P. A. plan of construction, the following streets in Ward 13: Mayfield street, Morrill street, Hinkley street, Woodcliff street, Bakersfield street, Fairbury street, Dacia street, Folsom street.

Mayfield and Bakersfield streets have been submitted for approval on a W. P. A. project for construction this year.

Dacia street will be submitted for approval on a W. P. A. project for construction this year.

Morrill street, Hinkleley street, Woodcliff street, Fairbury street and Folsom street are all in fair condition and in no immediate need of reconstruction.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

DATA RE POLICE DEPARTMENT.

The following was received:

City of Boston,  
Office of the Mayor, May 8, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of April 3, 1939, concerning the number of members who died; the number who resigned; the number who were pensioned or retired; the number who were discharged; and the total number of vacancies caused by these reasons or other reasons, if any.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Police Department, April 21, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Attention of Mr. William T. Doyle, Chief Clerk.  
My dear Sir,—In answer to request of your office of April 10, 1939, for report on the subject of City Council order of April 3, 1939, concerning certain information relating to members of the Police Department, covering period from January 1, 1938, to January 1, 1939, I submit the following:

Police Force.	
Number who died.....	17
Number who resigned.....	7
Number pensioned or retired.....	17
Number discharged.....	1
	42
For period January 1, 1939, to	
April 21, 1939.	
Number who died.....	11
Number retired.....	3
Number discharged.....	1
	15
Total.....	57

I trust that the foregoing statement furnishes the information which is desired.

Very truly yours,  
JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

EXPECTANT MOTHERS, CITY HOSPITAL.

The following was received:

City of Boston,  
Office of the Mayor, May 8, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from Carl Dreyfus, trustee of the Boston City Hospital relative to your order of April 3, 1939, concerning the arranging for the admittance of expectant mothers, whose husbands are on the W. P. A. or welfare and others in poor financial circumstances to the Maternity Ward without the payment of a fee.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Hospital Department, May 5, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—At a meeting of the Board of Trustees held on April 21, 1939, the order of the City Council passed on April 3, 1939, was presented for consideration.

The policy already in effect in this hospital makes proper provision for the wives of welfare recipients and other individuals too poor financially to meet any fee. By this provision is meant either admission to this hospital, admission to the Lying-In or some other maternity hospital, or arrangement for proper medical and nursing care in the homes.

As regards the wives of W. P. A. recipients, each case is handled on its merits and according to the salaries received by the husbands of same. This procedure allows us to have beds available for emergency and abnormal cases.

During the year 1938 there were approximately 3,320 deliveries.

Yours very truly,  
CARL DREYFUS,  
Trustee, Boston City Hospital.

Placed on file.

RESURFACING WARD 19 STREETS.

The following was received:

City of Boston,  
Office of the Mayor, May 8, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 17, 1939, concerning the resurfacing of the following streets in Ward 19: under the W. P. A. plan of construction: Brewer street, Chestnut avenue, from Paul Gore to Green streets.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Public Works Department, May 4, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface the following streets in Ward 19, under the W. P. A. plan of construction: Brewer street, Chestnut avenue, from Paul Gore to Green streets.

Kindly be advised that I will have these streets submitted for approval on a W. P. A. project for construction this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

SIDEWALKS, BROWN AVENUE, WARD 19.

The following was received:

City of Boston,  
Office of the Mayor, May 8, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 3, 1939, concerning the installation of sidewalks, under the W. P. A. plan of construction, on both sides of Brown avenue, Ward 19.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Public Works Department, May 4, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works install sidewalks, under the W. P. A. plan of construction, on both sides of Brown avenue, Ward 19.

This will advise you that there are artificial stone sidewalks on this entire street at the present time.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.



**SIDEWALK, ELMONT STREET, WARD 14.**

The following was received:

City of Boston,  
Office of the Mayor, May 8, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 3, 1939, concerning the making of a sidewalk along Elmont street, Ward 14, as a W. P. A. project.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Public Works Department, May 4, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works make a sidewalk along Elmont street, Ward 14, as a W. P. A. project.

Please be advised that, at the present time, there are brick sidewalks on this street and the district foreman has been directed to make the necessary repairs to these sidewalks to put them in good condition.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**PASSENGER CARS OWNED BY CITY.**

The following was received:

City of Boston,  
Office of the Mayor, May 6, 1939.  
To the City Council.

Gentlemen,—I herewith transmit a report prepared by the Budget Commissioner with reference to automobiles owned by the City of Boston, the information being in answer to the order passed by your Honorable Body on April 3, 1939.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Budget Department, May 2, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—In accordance with an order of the City Council of April 3, 1939, relative

to furnishing in writing to the City Council Committee on Appropriations a complete list of all passenger vehicles now owned by the city, but in use by city employees and officials, not including fire apparatus, trucks, patrol wagons and police patrol cars, giving by departments in each case the make of the car, the type, the year model and the cost, I submit herewith attached summary of passenger cars owned by the city and operated by various city officials and employees as of April 10, 1939. This information has been furnished to the Budget Department by the Coordinator of Motor Vehicles, by the Police Commissioner, and by reference to certain vouchers in the auditor's office.

Respectfully yours,  
FRANCIS X. LANG,  
Budget Commissioner.

**SUMMARY OF PASSENGER CARS OWNED BY THE CITY OF BOSTON AND OPERATED BY THE VARIOUS CITY DEPARTMENTS AS OF APRIL 10, 1939.**

Department.	Number of Cars.
Assessing .....	1
Boston Traffic Commission.....	2
City Hospital.....	2
Building .....	1
Bridge and Ferry.....	2
Commissioner, Public Works.....	1
Election .....	1
Municipal Employment Bureau.....	1
Health .....	5
Institutions .....	2
Planning Board.....	1
Public Buildings.....	1
Park .....	13
Public Works, Paving.....	14
Street Lighting.....	1
Penal .....	1
Summer Tunnel.....	1
Sanatorium .....	1
Public Works, Sanitary.....	26
Public Works, Sewer.....	10
Weights and Measures.....	3
Water Service.....	13
Police .....	103
	15
	118

**PASSENGER CARS OWNED BY THE CITY OF BOSTON AND OPERATED BY THE VARIOUS CITY DEPARTMENTS AS OF APRIL 10, 1939.\***

DEPARTMENT.	Number of Cars.	Model.	Year.	Make.	Date of Purchase.	Cost.
Assessing.....	1	Sedan.	1936	Buick.	June 24, 1936	\$1,813 12
Boston Traffic Commission....	2	Sedan.	1934	Buick.	Mar. 19, 1934	1,281 30
		Sedan.	1929	Buick.	Oct. 23, 1928	Unknown
City Hospital.....	2	Sedan.	1931	Dodge.	May 18, 1931	\$975 00
		Sedan.	1936	Studebaker.	Dec. 19, 1935	929 00
Building.....	1	Sedan.	1935	Buick.†		
Bridge and Ferry.....	2	Sedan.	1934	Reo.	Nov. 6, 1934	1,067 00
		Sedan.	1934	Reo.	Nov. 6, 1934	1,067 00
Commissioner of Public Works..	1	Sedan.	1937	Packard.	Dec. 23, 1936	1,328 50
Election.....	1	Sedan.	1930	Buick.	Dec. 11, 1929	Unknown
Municipal Employment.....	1	Coach.	1936	Chevrolet.	Feb. 18, 1938	\$425 00
Health.....	5	Sedan.	1936	Buick.	Dec. 31, 1935	2,174 45
		Coupe.	1931	Ford.	Aug. 29, 1931	505 00
		Coupe.	1935	Ford.	Dec. 30, 1935	599 00
		Sedan.	1935	Chrysler.	July 2, 1936	3,100 00
		Coupe.	1929	Buick.	Nov. 3, 1928	1,371 00
Institutions.....	2	Sedan.	1936	Buick.	July 12, 1936	1,500 00
		Sedan.	1934	Reo.	Nov. 14, 1934	1,067 00
Planning Board.....	1	Sedan.	1931	Hupmobile †		Unknown

\* Compiled from information furnished by the Co-ordinator of Motor Vehicles to the Budget Department.  
† From Fire Department.

## PASSENGER CARS OWNED BY THE CITY OF BOSTON.—Continued.

DEPARTMENT.	Number of Cars.	Model.	Year.	Make.	Date of Purchase.	Cost.
Public Buildings.....	1	Sedan.	1936	Buick.	Oct. 18, 1935	\$1,498 00
Park.....	13	Sedan.	1933	P-Arrow.	Jan. 30, 1934	4,628 00
		Sedan.	1936	Packard.	Oct. 22, 1935	990 00
		Sedan.	1935	Oldsmobile.	Mar. 22, 1935	765 00
		Sedan.	1935	Reo.	Mar. 4, 1935	986 00
		Sedan.	1935	Oldsmobile.	Mar. 23, 1935	782 50
		Coupe.	1936	Dodge.	June 3, 1936	555 30
		Coupe.	1935	Ford.	Apr. 6, 1935	392 88
		Coupe.	1935	Ford.	Apr. 6, 1935	392 88
		Coupe.	1935	Ford.	Apr. 6, 1935	392 88
		Coupe.	1935	Ford.	Apr. 6, 1935	392 88
		Coupe.	1936	Ford.	May 20, 1936	500 00
		Sedan.	1937	Ford.	Dec. 28, 1936	554 15
		Coupe.	1936	Ford.	May 20, 1936	510 00
Public Works, Paving.....	14	Sedan.	1934	Reo.	Nov. 30, 1934	1,067 00
		Sedan.	1930	Ford.	Aug. 19, 1930	694 00
		Sedan.	1934	Reo.	Nov. 30, 1934	1,067 00
		Sedan.	1934	Reo.	Nov. 30, 1934	1,067 00
		Sedan.	1934	Ford.	Dec. 7, 1934	641 15
		Sedan.	1934	Ford.	Dec. 7, 1934	641 15
		Sedan.	1934	Ford.	Dec. 7, 1934	641 15
		Sedan.	1934	Ford.	Dec. 7, 1934	641 15
		Sedan.	1935	Ford.	Jan. 26, 1935	636 51
		Sedan.	1935	Ford.	Feb. 7, 1935	661 51
		Sedan.	1935	Ford.	Nov. 9, 1935	657 40
		Sedan.	1937	Ford.	Dec. 30, 1936	663 08
		Sedan.	1937	Ford.	Dec. 30, 1936	663 08
		Sedan.	1937	Ford.	Dec. 30, 1936	792 00
Street.....	1	Sedan.	1937	Ford.	Dec. 30, 1936	663 08
Penal.....	1	Sedan.	1933	Packard.†	Jan. 9, 1939	25 00
Sumner Tunnel.....	1	Sedan.	1938	Packard.	Oct. 26, 1937	1,209 10
Sanatorium.....	1	Sedan.	1937	Ford.	Dec. 30, 1936	663 08
Public Works, Sanitary.....	26	Coupe.	1931	Buick.	Dec. 2, 1931	2,028 00
		Coupe.	1932	Ford.	July 21, 1932	503 55
		Coupe.	1932	Ford.	July 21, 1932	503 55
		Coupe.	1932	Ford.	July 21, 1932	503 55
		Coupe.	1932	Ford.	July 21, 1932	503 55
		Coupe.	1932	Ford.	July 21, 1932	503 55
		Coupe.	1932	Ford.	July 21, 1932	503 55
		Sedan.	1934	Plymouth.	Nov. 24, 1934	705 00
		Sedan.	1934	Reo.	Nov. 17, 1934	1,067 00
		Coupe.	1934	Ford.	Apr. 22, 1934	605 08
		Sedan.	1936	Ford.	Oct. 21, 1936	718 00
		Sedan.	1937	Ford.	Dec. 31, 1936	663 08
		Sedan.	1937	Ford.	Dec. 31, 1936	663 08
		Sedan.	1937	Ford.	Dec. 31, 1936	663 08
		Sedan.	1937	Ford.	Dec. 31, 1936	663 08
		Sedan.	1937	Ford.	Dec. 31, 1936	663 08
		Sedan.	1937	Ford.	Dec. 31, 1936	663 08
		Sedan.	1937	Ford.	Dec. 31, 1936	663 08
		Sedan.	1937	Ford.	Dec. 31, 1936	663 08
		Sedan.	1937	Ford.	Dec. 31, 1936	663 08
		Sedan.	1937	Ford.	Dec. 31, 1936	663 08
		Sedan.	1935	Ford.	May 13, 1938	
		Sedan.	1936	Ford.	May 13, 1938	
		Sedan.	1936	Ford.	May 13, 1938	1,250 00
		Coupe.	1936	Ford.	May 13, 1938	
		Sedan.	1935	Ford.	May 13, 1938	
Public Works, Sewer.....	10	Coupe.	1929	Buick.	Dec. 17, 1929	1,655 00
		Sedan.	1930	Ford.	Nov. 5, 1930	662 75
		Sedan.	1930	Ford.	Nov. 5, 1930	662 75
		Coupe.	1932	Ford.	July 14, 1932	490 38
		Coupe.	1934	Ford.	Nov. 17, 1934	605 08
		Coupe.	1934	Ford.	Nov. 17, 1934	605 08
		Coupe.	1934	Ford.	Nov. 17, 1934	605 08
		Coupe.	1934	Ford.	Mar. 21, 1934	550 00
		Sedan.	1934	Ford.	Dec. 26, 1934	690 00
		Sedan.	1936	Pontiac.	July 16, 1936	995 00
Weights and Measures.....	3	Coupe.	1932	Ford.	July 21, 1932	503 55
		Coupe.	1932	Ford.	July 21, 1932	503 55
		Sedan.	1929	Reo.	May 20, 1929	1,885 00
Water Service.....	13	Coupe.	1931	Ford.	July 18, 1931	536 50
		Coupe.	1932	Ford.	July 23, 1932	523 00
		Coupe.	1932	Ford.	July 23, 1932	523 00
		Sedan.	1934	Ford.	Dec. 18, 1934	612 04
		Sedan.	1934	Ford.	Dec. 18, 1934	612 04
		Sedan.	1934	Ford.	Dec. 18, 1934	612 04

† Exchange, School Department.

PASSENGER CARS OWNED BY THE CITY OF BOSTON.— *Concluded.*

DEPARTMENT.	Number of Cars.	Model.	Year.	Make.	Date of Purchase.	Cost.
Water Service.....		Sedan.	1934	Ford.	Dec. 18, 1934	\$612 04
		Coach.	1935	Reo.	Aug. 19, 1935	995 00
		Sedan.	1936	Ford.	Dec. 23, 1935	735 00
		Coupe.	1936	Ford.	Feb. 5, 1936	644 00
		Sedan.	1936	Ford.	Aug. 28, 1936	729 00
		Sedan.	1938	Packard.	Oct. 26, 1937	1,448 00
		Sedan.	1938	Ford.	Jan. 4, 1938	775 00

DEPARTMENT.	Number of Cars.	Model.	Year.	Make.	Used By.	Cost.
Police.....	15	Sedan.	1938	Cadillac.	Commissioner.	\$3,706 00
		Sedan.		Buick.	Superintendent.	
		Sedan.	1936	Pontiac.	Captain McNabb.	1,055 65
		Sedan.		Pontiac.	Lieutenant Waite.	986 30
		Sedan.	1936	Pontiac.	Lieutenant Carey.	986 30
		Coach.		Ford.	Joseph H. Walley, Superintendent of Police Buildings.	746 90
		Coach.	1937	Ford.	Edward R. Connelly, Repairman, Office of Superintendent of Police Buildings.	746 90
		Sedan DeLuxe.	1939	Pontiac.	Deputy Superintendent Clafin.	952 86
		Sedan DeLuxe.	1939	Pontiac.	Deputy Superintendent Anderson.	952 86
		Sedan DeLuxe.	1939	Pontiac.	Deputy Superintendent O'Dea.	952 86
		Sedan DeLuxe.	1939	Pontiac.	Deputy Superintendent Wall.	952 86
		Sedan DeLuxe.	1939	Pontiac.	Lieutenant Donahue.	952 86
		Sedan DeLuxe.	1939	Pontiac.	Bureau of Criminal In- vestigation, for emer- gency use.	952 86
Sedan DeLuxe.	1939	Pontiac.	Bureau of Criminal In- vestigation, for emer- gency use.	952 86		
Sedan DeLuxe.	1939	Pontiac.	Spare car.	952 86		

Placed on file.

INFORMATION FROM BUDGET COMMISSIONER.

The following was received:

City of Boston,  
Office of the Mayor, May 6, 1939.

To the City Council.

Gentlemen,—In accordance with the request contained in an order adopted by your Honorable Body on May 1, 1939, I submit herewith information requested in compliance with the above referred to order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston.  
Budget Department, May 6, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—In accordance with the order of the City Council requesting certain items of information to be furnished by the Budget Commissioner, I submit herewith such information in compliance with their requirements.

Respectfully,  
FRANCIS X. LANG,  
Budget Commissioner.

1. Total actual expenditures by the Public Welfare Department (Central Office) for 1938.

		BUDGET ITEMS.			
A-1.....	\$586,755 51		37.....	\$179 61	
2.....	72,084 12		39.....	2,090 10	
		\$658,839 63	42.....	109 14	
			18.....	1 00	
B-1.....	\$182 45				\$53,367 10
3.....	14 25				
4.....	5,250 52				
5.....	273 97				
6.....	61 22		C-3.....	\$46 95	
8.....	7,010 22		7.....	84 25	
10.....	17,783 65		9.....	2,902 13	
12.....	738 11		10.....	188 87	
13.....	13,857 29		13.....	271 48	
14.....	66 29		15.....	10 82	
19.....	84 03		16.....	16 00	
35.....	5,665 25		17.....	25 21	
					\$3,545 71

BUDGET ITEMS.—Continued.			
D-1.....	\$58,439 45	E-13.....	\$22 13
2.....	1,292 50		
3.....	4,294 55		\$211 81
5.....	134 04		
8.....	1,300 48	F-9.....	\$5,631,864 84
10.....	22 45	10.....	1,718,974 24
11.....	54 85	14.....	2,248,190 28
13.....	391 65		\$9,599,029 36
16.....	3,004 76		
	\$68,934 73	H.....	\$301,507 66
E-1.....	\$31 68	Total.....	* \$10,685,436 00
10.....	158 00		

\* Exclusive of Federal Grants. Including Federal Grants, \$13,127,583.84.

2. Total amount of money raised by loans, to supplement actual appropriations, for Public Welfare purposes during 1938.  
 \$2,535,000.00 for Public Welfare Department.  
 \$4,375,000.00 — 1938 total loans for all relief purposes.

3. Total number of persons on the Public Welfare Department rolls receiving city aid as of

a. April 1, 1938.	Dependent Aid.....	15,052
	Aid to Dependent Children.....	2,386
	Old Age Assistance.....	11,367
		<u>28,805</u>
b. April 1, 1939.	Dependent Aid.....	14,716
	Aid to Dependent Children.....	3,208
	Old Age Assistance.....	13,052
		<u>30,976</u>

4. Total amount of actual expenditures by the Public Welfare Department.  
 a. For the first 3 months of 1938:

A-1.....	\$135,013 41	D-1.....	\$8,635 15
2.....	18,651 11	2.....	462 00
	\$153,664 52	3.....	1,821 12
B-3.....	\$7 25	5.....	4 94
4.....	521 35	8.....	313 33
5.....	88 10	11.....	12 62
8.....	710 32	13.....	130 30
10.....	2,235 25	16.....	369 91
12.....	10 00		\$11,749 37
13.....	2,288 92	E-1.....	\$1 75
14.....	13 15	10.....	61 89
29.....	23 63	13.....	2 69
35.....	10 56		\$66 33
39.....	251 04	F-9.....	\$1,651,623 70
42.....	65 00	10.....	382,011 61
6.....	12 00	14.....	614,108 02
	\$6,236 57		\$2,647,743 33
C-7.....	\$54 30	H.....	\$31,398 28
9.....	223 20	Total.....	\$2,851,254 14
10.....	26 00		
13.....	73 28		
16.....	12 00		
17.....	6 96		
	\$395 74		

b. For the first 3 months of 1939:

A-1.....	\$145,864 42	D-1.....	\$7,317 40
2.....	32,973 35	2.....	156 75
	\$178,837 77	3.....	958 19
B-3.....	\$28 50	5.....	23 11
4.....	890 69	8.....	395 85
5.....	90 00	11.....	4 22
6.....	49 71	13.....	177 19
8.....	694 09	16.....	157 61
10.....	120 00		\$9,190 32
13.....	2,561 53	E-1.....	\$0 10
14.....	50	10.....	19 97
29.....	21 19		\$20 07
35.....	222 00	F-9.....	\$1,367,672 67
39.....	506 50	10.....	558,054 00
	\$5,184 71	14.....	818,318 54
C-3.....	\$6 00		\$2,744,045 21
7.....	2 10	H.....	\$57,622 29
9.....	751 83	Total.....	\$2,995,730 22
10.....	14 00		
13.....	55 92		
	\$829 85		

5. Total actual expenditures by the Soldiers' Relief Department in 1938.				
A-1.....	\$76,625 94		D-1.....	\$1,778 46
2.....	689 24		13.....	4 60
		\$77,315 18		\$1,783 06
B-4.....	\$1,796 97		F-7.....	\$3,000 00
12.....	523 00		8.....	613,061 84
29.....	90 20	\$2,420 17		\$616,061 84
			H.....	\$892 42
C-9.....	\$112 45		Total.....	\$690,703 62
10.....	18 50	\$130 95		

6 Total number of persons on the relief rolls of the Soldiers' Relief Department as of  
 a. April 1, 1938, 1,475. b. April 1, 1939, 1,514.

7. Actual expenditures by the city during 1938 for the purpose of defraying Boston's share of W. P. A. projects.

a. City Departments (exclusive of School Committee and School Buildings Departments).....	\$1,510,239 04
County Departments.....	14,784 48
Revenue Departments.....	50,636 38
	<u>\$1,575,659 90</u>

The total amount allowed for the same in the 1939 budget.

b. City Departments (exclusive of School Committee and School Buildings Departments).....	\$1,307,400 00
County Departments.....	26,500 00
Revenue Departments.....	62,000 00
	<u>\$1,395,900 00</u>

8. Total number of persons on Boston W. P. A. projects as of  
 a. April 1, 1938, 22,500. b. April 1, 1939, 24,400.  
 (These figures are submitted in accordance with information received from Colonel Thomas Sullivan, W. P. A. Administrator.)

9 and 10. Total number of City Department employees as of  
 a. April 1, 1938. b. April 1, 1939.  
 Total number of County Department employees as of  
 a. April 1, 1938. b. April 1, 1939.  
 There has been no increase in the number on the rolls up to April 1, 1939. The current budget provides for a smaller personnel appropriation than the former year. To obtain the information request in questions 9 and 10 would take a considerable length of time, as it would be necessary to tabulate all pay rolls as of the dates mentioned. However, the following data is available and is furnished in lieu thereof.  
 Total number of City Department employees, exclusive of Schools, as of  
 a. January 1, 1938, 13,594. b. January 1, 1939, 13,198.  
 Total number of County Department employees as of  
 a. January 1, 1938, 1,106. b. January 1, 1939, 1,098.

11. Number of actual vacancies created by death, retirement, or otherwise during 1938 and not yet filled.

a. In City Departments.....	297
(Exclusive of Schools and Library Department)	
b. In County Departments.....	1
c. The annual salary total for such positions which became vacant during 1938 and were not refilled.....	\$439,835 00

12. Actual expenditures in 1938 for Personal Service in City Departments.

City Departments.....	\$20,029,868 42
Revenue Departments.....	1,283,832 79
	<u>\$21,313,701 21</u>

13. Total amount allowed in 1939 budget for Personal Service in City Departments.

City Departments.....	\$19,932,519 16
Revenue Departments.....	1,268,773 80
	<u>\$21,201,292 96</u>

14. Total actual expenditures in 1938 for Personal Service in County Departments.  
 \$2,482,693 63.

15. Total amount allowed for Personal Service in the 1939 budget in County Departments.  
 \$2,590,456 53.

16. Schedule showing by departments for the City and for the County  
 A. The number of employees in each class who received \$2,100 or more in 1938 and who are allowed a step rate increase in the present budget.  
 B. The amount received by the same during the year 1938.  
 C. The proposed amount to be received by the same under allowances made by the Mayor in the 1939 budget.

## CITY AND REVENUE DEPARTMENTS.

DEPARTMENT.	A.	B.	C.
Assessing.....	1 at \$2,300-\$2,400	\$2,300	\$2,400 00
Boston Traffic Commission.....	1 at \$2,100-\$2,200	2,100	2,101 71
	1 at \$2,900-\$3,000	2,900	3,000 00
Building.....	1 at \$2,300-\$2,400	2,300	2,400 00
	3 at \$2,600-\$2,700	7,800	8,025 84
City Planning Board.....	1 at \$3,200-\$3,300	3,200	3,300 00
Collecting.....	1 at \$2,700-\$2,800	2,700	2,800 00
	1 at \$2,800-\$2,900	2,800	2,801 10
Election.....	4 at \$2,100-\$2,200	8,400	8,400 00
Fire Department, Wire Division.....	1 at \$2,100-\$2,200	2,100	2,200 00
	1 at \$2,200-\$2,300	2,200	2,300 06
	1 at \$2,300-\$2,400	2,300	2,400 00
	1 at \$2,400-\$2,500	2,400	2,402 33
Health.....	1 at \$2,100-\$2,200	2,100	2,200 00
	13 at \$2,200-\$2,300	28,600	29,900 00
Police.....	1 at \$2,200-\$2,300	2,200	2,244 62
Treasury.....	1 at \$2,800-\$2,900	2,800	2,900 00
Weights and Measures.....	6 at \$2,100-\$2,200	12,600	13,228 60
	40	\$91,800	\$95,004 20

## COUNTY DEPARTMENTS.

DEPARTMENT.	A.	B.	C.
Jail.....	1 at \$2,200-\$2,300	\$2,200	\$2,237 21
	1 at \$2,300-\$2,400	2,300	2,354 88
	1 at \$2,600-\$2,700	2,600	2,637 15
Supreme Judicial Court.....	1 at \$4,200-\$4,500	4,200	4,500 00
Superior Court, Civil Session, General Expenses.....	1 at \$2,900-\$3,000	2,900	3,000 00
	1 at \$2,800-\$2,900	2,800	2,900 00
	4 at \$2,600-\$2,700	10,400	10,800 00
	3 at \$2,500-\$2,600	7,500	7,800 00
	3 at \$2,400-\$2,500	7,200	7,500 00
	2 at \$2,300-\$2,400	4,600	4,800 00
	1 at \$3,300-\$3,600	3,300	3,461 67
	1 at \$3,900-\$4,000	3,900	3,976 40
	1 at \$5,400-\$5,500	5,400	5,500 00
	Superior Court, Civil Session, Clerk's Office.....	1 at \$2,100-\$2,200	2,100
1 at \$2,200-\$2,300		2,200	2,250 00
3 at \$2,300-\$2,400		6,900	7,108 34
3 at \$2,400-\$2,500		7,200	7,466 67
3 at \$2,500-\$2,600		7,500	7,766 67
2 at \$2,600-\$2,700		5,200	5,320 83
1 at \$2,900-\$3,000		2,900	3,000 00
Superior Court, Criminal Session.....		2 at \$2,100-\$2,200	4,200
	1 at \$2,200-\$2,300	2,200	2,209 78
	4 at \$2,300-\$2,400	9,200	9,551 31
	2 at \$2,400-\$2,500	4,800	4,864 48
	4 at \$2,500-\$2,600	10,000	10,400 12
	2 at \$2,600-\$2,700	5,200	5,387 85
	1 at \$3,000-\$3,300	3,000	3,067 26
	1 at \$3,900-\$4,200	3,900	3,932 88
Probate Court.....	1 at \$2,500-\$2,600	2,500	2,572 73
	1 at \$2,600-\$2,700	2,600	2,666 67
Municipal Court, City of Boston.....	6 at \$2,100-\$2,200	12,600	13,200 00
	3 at \$2,200-\$2,300	6,600	6,866 83
	2 at \$2,300-\$2,400	4,600	4,675 00
	1 at \$2,600-\$2,700	2,600	2,700 00
	1 at \$3,200-\$3,400	3,200	3,250 00
	1 at \$3,100-\$3,400	3,100	3,200 00
	4 at \$3,700-\$4,000	14,800	15,350 00
	1 at \$4,400-\$4,500	4,400	4,500 00
	1 at \$5,000-\$5,300	5,000	5,300 00
	1 at \$6,200-\$6,500	6,200	6,500 00
Municipal Court, Charlestown District.....	2 at \$2,400-\$2,500	4,800	5,000 00
East Boston District Court.....	1 at \$2,400-\$2,500	2,400	2,500 00

COUNTY DEPARTMENTS—Concluded.

DEPARTMENT.	A.	B.	C.
Municipal Court, South Boston District.....	2 at \$2,400-\$2,500	\$4,800	\$5,000 00
Municipal Court, Dorchester District.....	1 at \$2,200-\$2,300 1 at \$2,400-\$2,500	2,200 2,400	2,300 00 2,500 00
Municipal Court, Roxbury District.....	2 at \$2,100-\$2,200 1 at \$2,400-\$2,500	4,200 2,400	4,325 00 2,500 00
Municipal Court, West Roxbury District.....	2 at \$2,400-\$2,500	4,800	5,000 00
Municipal Court, Brighton District.....	1 at \$2,400-\$2,500	2,400	2,500 00
Registry of Deeds.....	8 at \$2,100-\$2,200 2 at \$2,300-\$2,400 3 at \$2,600-\$2,700 1 at \$2,700-\$2,800 1 at \$3,900-\$4,200	16,800 4,600 7,800 2,700 3,900	17,340 00 4,729 17 7,933 32 2,800 00 4,200 00
Index Commissioners.....	1 at \$2,400-\$2,500	2,400	2,466 24
Penal Institutions Department: Office Expenses.....	2 at \$2,100-\$2,200 1 at \$2,400-\$2,500	4,200 2,400	4,400 00 2,500 00
House of Correction.....	9 at \$2,100-\$2,200 1 at \$2,300-\$2,400 1 at \$2,400-\$2,500 1 at \$3,900-\$4,000	18,900 2,300 2,400 3,900	19,800 00 2,400 00 2,500 00 4,000 00
	119	\$306,700	\$317,789 29

RECAPITULATIONS.

DEPARTMENT.	A.	B.	C.
City and Revenue Departments.....	40	\$91,800	\$95,004 20
County Departments.....	119	306,700	317,789 29
	159	\$398,500	\$412,793 49

Placed on file.

BUDGET FOR SEVEN TWELFTHS OF YEAR.

The following was received:

City of Boston,  
Office of the Mayor, May 1, 1939.  
To the City Council.

Gentlemen,—Nearly all of the departments have now reached or very shortly will reach the limit of expenditures allowed to be made prior to the adoption of the annual budget.

In order that the Committee on Appropriations and the City Council may have ample opportunity to give the budget full consideration, I have requested the committee to report a partial budget covering approximately seven twelfths of the allowances for the full year and earnestly request its adoption.

It is understood and agreed that no part of the appropriations so made is to be expended for step-rate increases, and that all other controverted matters are to be adjusted in the final budget.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

APPROPRIATIONS FOR PAY ROLLS SEVEN TWELFTHS OF YEAR.

The following was received:

City of Boston,  
Office of the Mayor, May 6, 1939.  
To the City Council.

Gentlemen,—According to the records of the auditor's office, as of current date, nineteen city and county departments have reached, or practically reached, the limit fixed under chapter 320 of the Acts of 1889

for expenditures prior to the adoption of the annual budget. As matters now stand it will be impossible to meet pay roll requirements for these departments, or to have sufficient funds available for the various departments to function efficiently, unless appropriations are made by the City Council.

I respectfully request your Honorable Body to pass such portion of the current budget as is included in the accompanying appropriation orders which cover approximately seven twelfths of the allowances for the full year. This partial budget covers about one fourth of the budget beyond what has already been expended by the respective departments. It is understood and agreed that no part of the appropriations so made is to be expended for step-rate increases and that all other controverted matters are to be adjusted in the final budget.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That to meet the current expenses payable during the financial year beginning with the first day of January, 1939, for performing the duties and exercising the powers devolved by statute or ordinance, or by vote of the City Council during the year, upon the City of Boston, or County of Suffolk, or the departments or officers thereof, the respective sums of money specified in the tables and schedules hereinafter set out be, and the same are hereby, appropriated for the several departments and for the objects and purposes hereinafter stated.

Ordered, That the appropriation for Water Service, current expenses, and the payment to the state, under the provisions of chapter 488 of the Acts of 1895 and acts in addition or amendment thereto, and for the interest

and debt requirements or for loans issued for water purposes be met by the income of said works and any excess over income from taxes; that the appropriation for Printing Department be met by the department income and any excess over income from taxes; and the appropriation for the *City Record* be met by the income of said publication and any excess over income from taxes; and the appropriation for the Traffic Tunnel be met by the income from tolls and any excess over income from taxes, in accordance with the provisions of section 111, chapter 297, of the Acts of 1929, as amended by chapter 74 of the Acts of 1935; that the other appropriations hereinafter specified be met out of the money remaining in the treasury at the close of business on December 31, 1938, exclusive of the money raised by loan or needed to carry out the requirements of any statute, gift, trust or special appropriation by the income of the financial year beginning January 1, 1939, and by taxes on the polls and estates in the City of Boston and by the proceeds of any duly authorized loans.

Ordered, That all sums of money which form no part of the income of the city, but shall be paid for services rendered or work done by any department or division for any other department or division, or for any person or corporation other than the City of Boston be paid into the general treasury, and that all contributions made to any appropriation be expended for the objects and purposes directed by the several contributors thereof.

Ordered, That all taxes raised to meet the appropriations of the city and all taxes assessed for meeting the city's proportion of the state tax for the year 1939, or for any other taxes or assessments payable to the Commonwealth shall be payable in two equal installments, on July first and on October first of 1939; that interest shall be charged on all taxes remaining unpaid after the first day of November, 1939, in accordance with the provisions of chapter 59, section 57, of the General Laws, as amended, until paid, except the taxes assessed upon shares of national banks, which shall bear interest at the rate of 12 per cent per annum from the first day of October, 1939, until paid, and that all interest which shall have become due on taxes shall be added to and be part of such taxes.

Ordered, That except as the appropriation for any purpose or item shall be increased by additional appropriations or transfers lawfully made, no money shall be expended by any department for any of the purposes or items designated in the tables and schedules hereinafter set out in excess of the amount set down as appropriated for such specific purpose or item.

## CITY DEPARTMENTS.

## Art.

A. Personal Service.....	\$233 35
D. Supplies.....	5 85
Total.....	<u>\$239 20</u>

## Assessing.

A. Personal Service.....	\$23,566 87
B. Contractual Services.....	4,252 50
C. Equipment.....	991 33
D. Supplies.....	4,413 50
H. Relief Projects.....	800 00
Total.....	<u>\$84,024 20</u>

## Auditing.

A. Personal Service.....	\$47,885 00
B. Contractual Services.....	2,062 67
C. Equipment.....	29 17
D. Supplies.....	904 17
E. Materials.....	2 92
H. Relief Projects.....	2,000 00
Total.....	<u>\$52,883 93</u>

## Boston Port Authority.

A. Personal Service.....	\$18,263 54
B. Contractual Services.....	10,280 00
C. Equipment.....	84 58

D. Supplies.....	\$470 83
E. Materials.....	29 16
G. Incidentals.....	8,750 00
Total.....	<u>\$37,878 11</u>

## Boston Retirement Board.

A. Personal Service.....	\$14,414 93
B. Contractual Services.....	4,270 00
C. Equipment.....	20 71
D. Supplies.....	410 03
Total.....	<u>\$19,115 67</u>

## Boston Traffic Commission.

A. Personal Service.....	\$60,903 62
B. Contractual Services.....	13,159 41
C. Equipment.....	3,144 17
D. Supplies.....	8,164 58
E. Materials.....	3,543 75
F. Special Items.....	817 03
H. Relief Projects.....	1,500 00
Total.....	<u>\$86,232 56</u>

## Budget.

A. Personal Service.....	\$1,100 00
B. Contractual Services.....	157 50
D. Supplies.....	233 33
H. Relief Projects.....	3,000 00
Total.....	<u>\$4,490 83</u>

## Building.

A. Personal Service.....	\$99,813 21
B. Contractual Services.....	5,077 91
C. Equipment.....	770 00
D. Supplies.....	1,032 50
E. Materials.....	5 85
F. Special Items.....	787 50
H. Relief Projects.....	500 00
Total.....	<u>\$107,986 97</u>

## Board of Appeal.

A. Personal Service.....	\$975 00
B. Contractual Services.....	865 75
D. Supplies.....	88 90
Total.....	<u>\$1,429 65</u>

## Board of Examiners.

A. Personal Service.....	\$358 33
B. Contractual Services.....	6 41
D. Supplies.....	72 91
Total.....	<u>\$437 65</u>

## City Clerk.

A. Personal Service.....	\$25,237 37
B. Contractual Services.....	440 42
C. Equipment.....	116 67
D. Supplies.....	714 53
Total.....	<u>\$26,509 04</u>

## City Council.

A. Personal Service.....	\$42,991 67
B. Contractual Services.....	4,421 67
C. Equipment.....	826 67
D. Supplies.....	2,464 53
Total.....	<u>\$50,204 59</u>

## City Council Proceedings.

B. Contractual Services.....	\$6,270 83
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## City Documents.

B. Contractual Services.....	\$10,500 00
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## City Planning Board.

A. Personal Service.....	\$6,941 67
B. Contractual Services.....	285 83
C. Equipment.....	163 33
D. Supplies.....	119 53
H. Relief Projects.....	8,000 00
Total.....	<u>\$15,510 41</u>



Collecting.	
A. Personal Service.....	\$9,416 86
B. Contractual Services.....	19,171 25
C. Equipment .....	348 83
D. Supplies .....	13,323 83
F. Special Items.....	583 33
H. Relief Projects.....	100 00
Total .....	<u>\$42,943 60</u>

Election.	
A. Personal Service.....	\$79,125 60
B. Contractual Services.....	25,707 50
C. Equipment .....	282 92
D. Supplies .....	5,025 42
E. Materials .....	262 50
H. Relief Projects.....	5,000 00
Total .....	<u>\$115,403 94</u>

Finance Commission.	
A. Personal Service.....	\$32,650 00
B. Contractual Services.....	7,360 00
C. Equipment .....	535 00
D. Supplies .....	675 00
E. Materials .....	10 00
G. Incidentals .....	8,770 00
Total .....	<u>\$50,000 00</u>

Fire.	
A. Personal Service.....	\$1,988,696 38
B. Contractual Services.....	38,947 97
C. Equipment .....	28,466 66
D. Supplies .....	45,864 58
E. Materials .....	12,833 33
F. Special Items.....	246,507 92
H. Relief Projects.....	10,000 00
Total .....	<u>\$2,371,316 84</u>

Wire Division.	
A. Personal Service.....	\$48,291 01
B. Contractual Services.....	1,638 82
D. Supplies .....	700 00
E. Materials .....	5 83
Total .....	<u>\$50,635 66</u>

Health.	
A. Personal Service.....	\$403,900 21
B. Contractual Services.....	103,179 42
C. Equipment .....	2,843 75
D. Supplies .....	15,195 83
E. Materials .....	246 25
F. Special Items.....	3,441 66
H. Relief Projects.....	2,400 00
Total .....	<u>\$531,207 12</u>

Hospital.	
A. Personal Service.....	\$1,124,141 02
B. Contractual Services.....	61,541 66
C. Equipment .....	67,841 66
D. Supplies .....	508,491 66
E. Materials .....	11,200 00
F. Special Items.....	10,616 66
H. Relief Projects.....	75,000 00
Total .....	<u>\$1,858,832 66</u>

Sanatorium Division.	
A. Personal Service.....	\$213,921 23
B. Contractual Services.....	13,183 33
C. Equipment .....	6,237 29
D. Supplies .....	122,203 33
E. Materials .....	1,604 17
F. Special Items.....	1,575 00
H. Relief Projects.....	25,000 00
Total .....	<u>\$383,729 35</u>

Institutions, General Office.	
A. Personal Service.....	\$23,894 14
B. Contractual Services.....	1,260 00
C. Equipment .....	14 88
D. Supplies .....	627 08
E. Materials .....	5 83
Total .....	<u>\$25,801 93</u>

Child Welfare Division.	
A. Personal Service.....	\$25,072 99
B. Contractual Services.....	149,067 92
C. Equipment .....	27,213 08
D. Supplies .....	2,875 83
E. Materials .....	87 50
Total .....	<u>\$204,317 32</u>

Long Island Hospital.	
A. Personal Service.....	\$211,942 66
B. Contractual Services.....	9,576 00
C. Equipment .....	19,410 42
D. Supplies .....	178,852 92
E. Materials .....	13,970 83
F. Special Items.....	1,465 27
H. Relief Projects.....	15,000 00
Total .....	<u>\$450,218 10</u>

Steamers "Hibbard" and "O'Meara."	
A. Personal Service.....	\$23,812 08
B. Contractual Services.....	3,074 18
C. Equipment .....	128 33
D. Supplies .....	4,097 91
E. Materials .....	490 00
Total .....	<u>\$31,602 50</u>

Law.	
A. Personal Service.....	\$90,071 57
B. Contractual Services.....	2,531 66
C. Equipment .....	350 00
D. Supplies .....	1,545 83
H. Relief Projects.....	800 00
Total .....	<u>\$95,299 06</u>

Library.	
A. Personal Service.....	\$613,732 56
B. Contractual Services.....	54,485 66
C. Equipment .....	35,758 33
D. Supplies .....	12,362 00
E. Materials .....	11,433 33
F. Special Items.....	973 91
H. Relief Projects.....	25,000 00
Total .....	<u>\$753,745 79</u>

Licensing Board.	
A. Personal Service.....	\$25,514 03
B. Contractual Services.....	3,574 66
C. Equipment .....	557 38
D. Supplies .....	1,055 83
E. Materials.....	8 75
Total.....	<u>\$30,710 65</u>

Market.	
A. Personal Service.....	\$7,831 69
B. Contractual Services.....	729 17
C. Equipment.....	8 75
D. Supplies.....	385 00
E. Materials.....	20 42
Total.....	<u>\$8,975 03</u>

Mayor, Office Expenses.	
A. Personal Service.....	\$34,125 00
B. Contractual Services.....	2,070 83
C. Equipment.....	131 25
D. Supplies.....	1,897 58
G. Incidentals.....	5,833 33
Total.....	<u>\$4,332,633 80</u>

Park.	
A. Personal Service.....	\$462,488 09
B. Contractual Services.....	26,250 00
C. Equipment.....	5,273 63
D. Supplies.....	50,225 00
E. Materials.....	19,133 33
F. Special Items.....	4,375 00
H. Relief Projects.....	200,000 00
Total.....	<u>\$767,745 05</u>

Cemetery Division.

A. Personal Service.....	\$23,352 88
B. Contractual Services.....	1,755 25
C. Equipment.....	761 54
D. Supplies.....	2,178 75
E. Materials.....	656 25
F. Special Items.....	29 17
Total.....	<u>\$28,738 84</u>

Police.

A. Personal Service.....	\$2,946,809 55
B. Contractual Services.....	127,480 65
C. Equipment.....	43,565 00
D. Supplies.....	87,762 50
E. Materials.....	16,916 66
F. Special Items.....	197,166 66
H. Relief Projects.....	35,000 00
Total.....	<u>\$3,454,701 02</u>

Public Buildings.

A. Personal Service.....	\$159,584 66
B. Contractual Services.....	57,406 41
C. Equipment.....	3,010 00
D. Supplies.....	23,766 70
E. Materials.....	1,050 00
F. Special Items.....	10,660 21
H. Relief Projects.....	65,000 00
Total.....	<u>\$320,477 98</u>

Public Welfare, Central Office.

A. Personal Service.....	\$56,500 00
B. Contractual Services.....	30,935 25
C. Equipment.....	4,991 88
D. Supplies.....	37,537 50
E. Materials.....	169 17
F. Special Items.....	4,427,500 00
H. Relief Projects.....	275,000 00
Total.....	<u>\$4,832,633 80</u>

Temporary Home.

A. Personal Service.....	\$3,500 00
B. Contractual Services.....	510 41
C. Equipment.....	122 50
D. Supplies.....	1,875 42
E. Materials.....	29 16
Total.....	<u>\$6,037 49</u>

Wayfarers' Lodge.

A. Personal Service.....	\$2,391 67
B. Contractual Services.....	2,181 67
C. Equipment.....	495 83
D. Supplies.....	3,126 67
E. Materials.....	37 97
Total.....	<u>\$8,233 81</u>

Public Works, Central Office.

A. Personal Service.....	\$19,092 17
B. Contractual Services.....	152 83
C. Equipment.....	52 50
D. Supplies.....	382 08
Total.....	<u>\$19,679 58</u>

Bridge Service.

A. Personal Service.....	\$223,373 50
B. Contractual Services.....	11,463 33
C. Equipment.....	374 20
D. Supplies.....	2,762 08
E. Materials.....	8,633 33
F. Special Items.....	612 50
H. Relief Projects.....	6,000 00
Total.....	<u>\$253,223 94</u>

Ferry Service.

A. Personal Service.....	\$92,943 66
B. Contractual Services.....	17,565 91
C. Equipment.....	379 16
D. Supplies.....	15,968 75
E. Materials.....	1,604 16

F. Special Items.....	\$4,316 66
H. Relief Projects.....	2,000 00
Total.....	<u>\$134,778 30</u>

Lighting Service.

A. Personal Service.....	\$4,550 00
B. Contractual Services.....	546,354 66
C. Equipment.....	481 25
D. Supplies.....	102 08
Total.....	<u>\$551,487 99</u>

Paving Service.

A. Personal Service.....	—
B. Contractual Services.....	\$15,412 25
C. Equipment.....	6,921 25
D. Supplies.....	14,679 58
E. Materials.....	19,877 08
F. Special Items.....	7,510 41
H. Relief Projects.....	225,000 00
Total.....	<u>\$289,400 57</u>

Sanitary Service.

A. Personal Service.....	\$737,841 11
B. Contractual Services.....	401,563 75
C. Equipment.....	17,620 16
D. Supplies.....	33,144 42
E. Materials.....	13,495 42
F. Special Items.....	4,740 33
H. Relief Projects.....	5,000 00
Total.....	<u>\$1,213,405 19</u>

Sewer Service.

A. Personal Service.....	\$212,369 98
B. Contractual Services.....	40,191 66
C. Equipment.....	2,794 46
D. Supplies.....	17,199 58
E. Materials.....	5,395 83
F. Special Items.....	2,750 70
H. Relief Projects.....	300,000 00
Total.....	<u>\$580,702 21</u>

Registry.

A. Personal Service.....	\$29,266 90
B. Contractual Services.....	2,331 00
C. Equipment.....	8 75
D. Supplies.....	1,540 00
H. Relief Projects.....	6,000 00
Total.....	<u>\$39,146 65</u>

Sinking Funds.

A. Personal Service.....	\$1,400 00
B. Contractual Services.....	14 53
D. Supplies.....	175 00
Total.....	<u>\$1,589 53</u>

Soldiers' Relief.

A. Personal Service.....	\$6,555 30
B. Contractual Services.....	1,350 42
C. Equipment.....	83 71
D. Supplies.....	1,052 63
F. Special Items.....	296,500 00
H. Relief Projects.....	1,500 00
Total.....	<u>\$307,042 11</u>

Statistics.

A. Personal Service.....	\$4,900 00
B. Contractual Services.....	28 73
C. Equipment.....	43 75
D. Supplies.....	46 67
Total.....	<u>\$5,019 15</u>

Street Laying-Out.

A. Personal Service.....	\$13,257 40
B. Contractual Services.....	834 16
C. Equipment.....	87 50
D. Supplies.....	977 08
F. Special Items.....	612 50
H. Relief Projects.....	2,000 00
Total.....	<u>\$17,768 64</u>

Supply.	
A. Personal Service.....	\$27,021 38
B. Contractual Services.....	5,489 16
C. Equipment .....	17 79
D. Supplies .....	1,814 17
H. Relief Projects.....	10,800 00
Total .....	<u>\$45,142 50</u>

Treasury.	
A. Personal Service.....	\$4,696 23
B. Contractual Services.....	7,413 65
C. Equipment .....	58 33
D. Supplies .....	2,960 41
Total .....	<u>\$15,128 62</u>

Weights and Measures.	
A. Personal Service.....	\$25,595 79
B. Contractual Services.....	350 29
C. Equipment .....	297 50
D. Supplies .....	705 83
E. Materials .....	14 58
Total .....	<u>\$26,963 99</u>

SPECIAL APPROPRIATIONS.	
Bridges, Repairs, etc.....	<u>\$23,333 00</u>
Contingent Fund (for the pay- ment of claims, executions of court, court fees, expert witnesses, legal and mis- cellaneous expenses.....)	<u>\$172,375 00</u>
Conventions and Entertain- ment of Distinguished Guests .....	<u>\$14,247 91</u>
Public Celebrations.....	<u>\$22,983 33</u>
Real Estate Division, Repairs, etc. ....	<u>\$11,666 66</u>
Reserve Fund (for Transfers)	<u>\$72,916 00</u>
Snow Removal.....	<u>\$30,700 00</u>

COUNTY DEPARTMENTS.	
Suffolk County Courthouse, Custodian.	
A. Personal Service.....	\$20,385 10
B. Contractual Services.....	42,063 40
C. Equipment .....	22,619 91
D. Supplies .....	15,837 50
E. Materials .....	5,658 30
F. Special Items.....	879 60
H. Relief Projects.....	20,000 00
Total .....	<u>\$127,443 81</u>

County Buildings.	
A. Personal Service.....	\$38,754 30
B. Contractual Services.....	8,706 25
C. Equipment .....	1,271 60
D. Supplies .....	2,161 80
E. Materials .....	78 75
H. Relief Projects.....	6,500 00
Total .....	<u>\$57,472 70</u>

Jail.	
A. Personal Service.....	\$93,237 56
B. Contractual Services.....	7,681 91
C. Equipment .....	3,415 41
D. Supplies .....	32,214 58
E. Materials .....	3,325 00
F. Special Items.....	2,594 37
Total .....	<u>\$142,468 83</u>

Supreme Judicial Court.	
A. Personal Service.....	\$29,438 24
B. Contractual Services.....	3,826 08
C. Equipment .....	37 91

D. Supplies .....	\$527 91
F. Special Items.....	758 80
Total .....	<u>\$34,588 44</u>

Superior Court, Civil Session, General  
Expenses.

A. Personal Service.....	\$130,619 03
B. Contractual Services.....	112,396 00
C. Equipment .....	889 58
D. Supplies .....	1,881 25
F. Special Items.....	787 50
Total .....	<u>\$246,573 36</u>

Superior Court, Civil Session, Clerk's Office.

A. Personal Service.....	\$97,181 82
B. Contractual Services.....	3,710 00
C. Equipment .....	408 33
D. Supplies .....	3,791 67
F. Special Items.....	1,083 60
Total .....	<u>\$106,175 42</u>

Superior Court, Criminal Session.

A. Personal Service.....	\$23,312 01
B. Contractual Services.....	110,815 25
C. Equipment .....	845 83
D. Supplies .....	7,000 00
F. Special Items.....	2,970 33
Total .....	<u>\$144,943 42</u>

Probate Court.

A. Personal Service.....	\$7,862 69
B. Contractual Services.....	4,345 83
C. Equipment .....	291 33
D. Supplies .....	4,328 33
Total .....	<u>\$16,828 18</u>

Municipal Court, City of Boston.

A. Personal Service.....	\$269,191 82
B. Contractual Services.....	5,545 16
C. Equipment .....	1,723 75
D. Supplies .....	7,720 41
E. Materials.....	—
F. Special Items.....	9,566 60
Total .....	<u>\$293,747 74</u>

Municipal Court, Charlestown District.

A. Personal Service.....	\$17,001 31
B. Contractual Services.....	1,029 58
C. Equipment .....	87 50
D. Supplies .....	439 58
F. Special Items.....	845 80
Total .....	<u>\$19,403 77</u>

East Boston District Court.

A. Personal Service.....	\$15,812 05
B. Contractual Services.....	1,440 83
C. Equipment .....	75 83
D. Supplies .....	802 30
Total .....	<u>\$18,131 01</u>

Municipal Court, South Boston District.

A. Personal Service.....	\$17,108 83
B. Contractual Services.....	1,314 98
C. Equipment .....	49 00
D. Supplies .....	422 91
F. Special Items.....	1,312 50
Total .....	<u>\$20,208 22</u>

Municipal Court, Dorchester District.

A. Personal Service.....	\$24,662 84
B. Contractual Services.....	1,158 50
C. Equipment .....	43 75
D. Supplies .....	466 67
Total .....	<u>\$26,331 76</u>

Municipal Court, Roxbury District.

A. Personal Service.....	\$59,074 49
B. Contractual Services.....	3,111 21
C. Equipment .....	195 42
D. Supplies .....	1,838 16
F. Special Items.....	3,616 61
Total .....	<u>\$67,335 95</u>

Municipal Court, West Roxbury District.

A. Personal Service.....	\$21,400 01
B. Contractual Services.....	1,515 92
C. Equipment .....	78 75
D. Supplies .....	688 33
F. Special Items.....	42,916 67
Total .....	<u>\$26,599 68</u>

Municipal Court, Brighton District.

A. Personal Service.....	\$11,452 03
B. Contractual Services.....	906 65
C. Equipment .....	43 75
D. Supplies .....	525 00
Total .....	<u>\$12,927 43</u>

Boston Juvenile Court.

A. Personal Service.....	\$15,542 95
B. Contractual Services.....	1,351 29
C. Equipment .....	87 50
D. Supplies .....	320 83
Total .....	<u>\$17,302 57</u>

District Court of Chelsea.

A. Personal Service.....	\$21,159 59
B. Contractual Services.....	1,590 52
C. Equipment .....	87 50
D. Supplies .....	784 58
E. Materials .....	8 75
Total .....	<u>\$23,630 94</u>

Registry of Deeds.

A. Personal Service.....	\$108,714 07
B. Contractual Services.....	933 33
C. Equipment .....	102 08
D. Supplies .....	2,222 50
Total .....	<u>\$111,971 98</u>

Index Commissioners.

A. Personal Service.....	\$14,604 45
B. Contractual Services.....	123 67
C. Supplies .....	204 17
Total .....	<u>\$14,932 29</u>

Insanity Cases.

B. Contractual Services.....	\$22,790 80
D. Supplies .....	29 10
Total .....	<u>\$22,819 90</u>

Medical Examiner Service, Northern Division.

A. Personal Service.....	\$12,901 39
B. Contractual Services.....	1,306 60
C. Equipment .....	169 10
D. Supplies .....	312 08
E. Materials .....	23 30
Total .....	<u>\$14,712 47</u>

Medical Examiner Service, Southern Division.

A. Personal Service.....	\$7,336 22
B. Contractual Services.....	1,674 10
C. Equipment .....	37 91
D. Supplies .....	466 60
Total .....	<u>\$9,514 83</u>

Associate Medical Examiner Service, Northern Division.

A. Personal Service.....	\$116 60
B. Contractual Services.....	835 41
D. Supplies .....	37 91
Total .....	<u>\$489 92</u>

Associate Medical Examiner Service, Southern Division.

A. Personal Service.....	\$753 33
B. Contractual Services.....	323 75
D. Supplies .....	23 00
Total .....	<u>\$1,105 08</u>

Miscellaneous Expenses, Auditing.

A. Personal Service.....	\$8,570 16
B. Contractual Services.....	116 67
D. Supplies .....	175 00
Total .....	<u>\$8,861 83</u>

Miscellaneous Expenses, Budget.

A. Personal Service.....	\$2,403 03
B. Contractual Services.....	87 50
C. Equipment .....	102 08
D. Supplies .....	233 33
Total .....	<u>\$2,825 94</u>

Miscellaneous Expenses, Collecting.

A. Personal Service.....	\$466 67
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Miscellaneous Expenses, Sheriff.

A. Personal Service.....	\$2,333 33
B. Contractual Services.....	393 75
Total .....	<u>\$2,727 08</u>

Miscellaneous Expenses, Treasury.

A. Personal Service.....	\$3,435 83
D. Supplies .....	25 67
Total .....	<u>\$3,461 50</u>

Granite Avenue Bridge.

A. Personal Service.....	\$1,573 07
B. Contractual Services.....	96 25
C. Equipment .....	2 91
D. Supplies .....	14 58
E. Materials .....	52 50
Total .....	<u>\$1,739 31</u>

Penal Institutions, Office Expenses.

A. Personal Service.....	\$21,270 39
B. Contractual Services.....	75 27
C. Equipment .....	18 34
D. Supplies .....	361 66
Total .....	<u>\$21,725 66</u>

House of Correction.

A. Personal Service.....	\$130,273 19
B. Contractual Services.....	10,558 33
C. Equipment .....	15,764 58
D. Supplies .....	76,941 80
E. Materials .....	6,650 00
F. Special Items.....	4,027 91
Total .....	<u>\$244,215 81</u>

Steamer "Michael J. Perkins."

A. Personal Service.....	\$20,279 68
B. Contractual Services.....	4,672 50
C. Equipment .....	131 25
D. Supplies .....	4,636 50
E. Materials .....	379 16
Total .....	<u>\$30,099 09</u>

Special Appropriations.	
Social Law Library.....	—
Supplementary Maintenance of Young's Hotel.....	\$4,666 66
Temporary Court House Accommodations, Rental of.....	\$40,000 00

REVENUE DEPARTMENTS.  
Printing.

A. Personal Service.....	\$137,058 39
B. Contractual Services.....	21,707 00
C. Equipment.....	431 96
D. Supplies.....	2,905 00
E. Materials.....	35,204 10
F. Special Items.....	715 74
Total.....	\$198,022 19

Departmental Stationery and Postage.	
Special Appropriation.....	\$65,533 00

City Record, Publication of.

A. Personal Service.....	\$616 60
B. Contractual Services.....	17,952 08
C. Equipment.....	9 04
D. Supplies.....	116 66
Total.....	\$18,694 38

Public Works Department, Water Service.

A. Personal Service.....	\$460,277 85
B. Contractual Services.....	54,955 80
C. Equipment.....	22,633 00
D. Supplies.....	10,418 30
E. Materials.....	66,030 41
F. Special Items.....	7,540 75
H. Relief Projects.....	1,166 66
Total.....	\$656,861 11

Traffic Tunnel.

A. Personal Service.....	\$92,368 51
B. Contractual Services.....	9,474 00
C. Equipment.....	1,990 29
D. Supplies.....	2,079 58
E. Materials.....	3,908 33
F. Special Items.....	116 66
H. Relief Projects.....	1,166 66
Total.....	\$131,165 53

Collecting, Water Division.

A. Personal Service.....	\$46,197 18
B. Contractual Services.....	9,474 00
C. Equipment.....	316 98
D. Supplies.....	7,598 44
F. Special Items.....	525 00
Total.....	\$64,111 60

Auditing, Water Division.

A. Personal Service.....	\$66 11
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RECAPITULATION.

City Departments.....	\$20,769,775 09
County Departments.....	1,938,449 25
	\$22,708,224 34
Revenue Departments.....	1,134,503 92
	\$23,842,728 26

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Margaret Kelley, for compensation for damage to property at 434 Bowdoin street, caused by leak in water main.

Max Kramer, for refund on Sunday license and ice cream license.

Catherine Lamarca, for refund on Sunday license.

Louis F. Moran, for compensation for loss of overcoat, caused by being taken from locker at Randolph Street Playground.

Mary A. Renner, for refund on dog license.

Nettie Rosenthal, for refund on milk license and Sunday license.

Max Sanfield, to be reimbursed for overpayment on soft drinks license.

Thomas J. Shea, for compensation for damage to car by city truck.

John J. Todd, to be reimbursed for judgment issued against him.

Alice Velardo, for compensation for injuries caused by an alleged defect at 31 Chaucer street.

Executive.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

Lillafrances Viles, William Barton Rogers Junior High School, May 13.

Leopold DeCordova, Recital Hall, June 8.

Marie Livingston, Eliot Hall, May 22.

Katherine T. O'Gorman, Colonial Theatre, May 19.

Edith M. Leavis, Jordan Hall, June 26.

Committee on Ordinances.

Petitions for driveway openings were received as follows:

Home Savings Bank, 419 Columbus avenue.

APPOINTMENT OF TIMOTHY L. SULLIVAN.

The following was received:

City of Boston,

Office of the Mayor, May 5, 1939.

Mr. Wilfred J. Doyle,  
City Clerk.

Dear Sir,—You are hereby notified that I have designated as of February 1, 1938, Timothy L. Sullivan to be Workmen's Compensation Agent for the City of Boston and for the County of Suffolk, so far as the City of Boston is concerned.

Very truly yours,

MAURICE J. TOBIN, Mayor.

Placed on file.

LETTER FROM ARCHBISHOP SPELLMAN.

The following was received:

May 1, 1939.

To the Members of the City Council,  
City Hall, Boston, Mass.

Gentlemen,—I am deeply grateful to you for your gracious act on the occasion of my appointment to the Archbishopric of New York. The kindly sentiments expressed in your resolution are deeply appreciated.

Very truly yours,

F. J. SPELLMAN.

Placed on file.

APPROVAL OF CONSTABLES' BONDS.

The bonds of the following-named constables having been duly approved by the City Treasurer were received and approved by the City Council, viz.:

William A. Amsie, Carl Berger Berg, Alfred Blaustein, Eugene Blinn, Abram Bornstein, Thomas F. Brett, George W. Brooker, Arthur E. Byrnes, Thomas Cannizzaro, James A. Canton, Thomas C. Carr, Sydney Cohen, John M. Crawford, Walter A. Donlan, Paul R. Gast, Lewis Gilbert, Meyer Goldstein, John F. Halligan, Joseph Herman, Jacob Isgur, Max Jacobs, David B. Kaplan, James P. Keliher, Bronis Kontrim, Mark H. Krafurs, Nathan Kravitsky, Abraham Landfield, Maurice Levine, John T. McGovern, William P. Miles, Louis

H. Oppenheim, Frederick Partridge, Nachman Perlman, George N. Pierce, Louis Richmond, William T. Rosengarten, Samuel Shain, Sidney J. Sheinfeld, Isaac Shulman, Joseph L. Shurtleff, Joseph Simansky, Jerome Suvall, Benjamin J. Tackeff, David Tobey, Roman J. Vasil, David Weir, Frank F. Wennerstrand, William D. Whitmore, Louis Yacker.

#### SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending payment of aid to soldiers and sailors and their families in the City of Boston for the month of May, 1939.

Report accepted; said order passed.

#### ORGANIZATION OF PUBLIC WELFARE BOARD.

Notice was received of organization of Overseers of the Public Welfare as follows:

Clifford P. Warren, Chairman; John J. Walsh, Vice Chairman; Edward H. Willey, Treasurer; William G. O'Hare, Secretary and Executive Director, salary at the rate of \$6,000 per year.

Placed on file.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition (referred February 20) of Robert M. Copeland for driveway opening at 428 Warren street—recommending that leave be granted.

Report accepted; leave granted under usual conditions.

2. Petition of Grace F. Shepard (referred April 24) for driveway opening at Hazelwood street, Ward 12—recommending that leave be granted.

Report accepted; leave granted on usual conditions.

#### SANDING CITY OWNED BEACHES.

Coun. FISH offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to make necessary provisions in his budget to sand the city-owned beaches.

Passed under suspension of the rule.

#### ALLOCATION OF STATE HIGHWAY FUND.

Coun. FISH offered the following:

Ordered, That the City Council go on record as approving the allocation, according to assessed valuation, of the State Highway Fund, or any other fund to be distributed to the cities and towns of the Commonwealth.

Passed under suspension of the rule.

#### BOSTON ELEVATED DEFICITS.

Coun. FISH offered the following:

Ordered, That the City Treasurer be instructed, through his Honor the Mayor, to suspend further payments of Boston Elevated deficits until so ordered by the Supreme Court.

Passed under suspension of the rule.

#### SIDEWALKS, WARD 10.

Coun. CAREY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange for the installation of either granolithic or tar sidewalks, wherever necessary, on the following streets in Ward 10:

Heath street, Terrace street, Day street, Mansur street.

Passed under suspension of the rule.

#### SOLARIUM FOR WOMEN, L STREET BATH HOUSE.

Coun. CAREY offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to arrange for the construction of a solarium for the use of women at the L Street Bath House, either as a W. P. A. project or with funds to be obtained from some other available source.

Passed under suspension of the rule.

#### COMPARATIVE ANNUAL FIRE LOSSES.

Coun. CAREY offered the following:

Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to furnish the City Council with a comparative list of fire losses in the City of Boston during the past ten years, together with any changes in the fire insurance rates during that period.

Coun. CAREY—Mr. President, I was much interested in the meeting of the taxpayers held here in Faneuil Hall on Tuesday of last week, at the statement made by one of the speakers recommending the abolishment of our Fire Prevention Bureau, he saying that it was an expensive luxury for the taxpayers of the City of Boston without accomplishing any good. I understand, as a matter of fact, that because of the very fine work of the Fire Prevention Bureau fire losses to the extent of \$7,000,000 have been saved the city, and I therefore request this information which will show the exact loss, together with any changes in the fire insurance rates during the past ten years. I think that this information will be very valuable to the City Council.

The order was passed under suspension of the rule.

#### RESURFACING PARSONS STREET, WARD 22.

Coun. SULLIVAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Parsons street, Ward 22, under the W. P. A. type of construction, and to survey the possibility of constructing sidewalks on said street where desired by the abutters.

Passed under suspension of the rule.

#### ACTION AGAINST NON-RESIDENT EMPLOYEES.

Coun. SULLIVAN and HUTCHINSON offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to advise the City Council as to the legality of any action taken to force non-resident employees of the City of Boston to establish residence in the city.

Whereas, The sum of approximately five million dollars is annually expended by the City of Boston for salaries of non-resident teachers employed in the Boston schools; and

Whereas, The City of Boston this year is making a determined effort to attract business to the city by means of conventions and their followers; and

Whereas, Failure to provide positions in the schools of their home city is disrupting the morale of the graduates of the Boston Teachers College; and

Whereas, It is obvious that no decline in the teaching qualifications of the individuals involved would result were they forced to move into the City of Boston; and

Whereas, The members of the Boston School Committee have consistently declined to take action upon this matter, on the basis that such action might be illegal; therefore, be it

Resolved, That the Corporation Counsel be requested to inform the members of the

Boston City Council as to whether action might legally be taken to enforce a ruling that such teachers move into Boston, prior to October 1, 1939.

Coun. SULLIVAN—Mr. President, some six weeks ago Councilor Hutchinson and I introduced an order in this Body requesting that members of the Boston School Committee take summary action relative to non-resident persons now teaching in the Boston schools. At that time the chairman of that committee stated that he would not take the action in view of the fact that he thought that the committee had an opinion from the Corporation Counsel in which the Corporation Counsel had expressed the view that such action was illegal. Both Councilor Hutchinson and I at that time visited the Corporation Counsel, who was referred to, and he stated definitely that he had never been approached on the matter, that his opinion had not been sought on the matter, but in any event, if his opinion had been sought on the matter he would have ruled that the action was legal. Accordingly, two weeks ago we introduced another order asking the members of the Boston School Committee to request the Corporation Counsel to give an opinion as to whether such action was legal, and the same member of the committee, at the meeting on that evening, stated that if it were legal he would not vote on the matter, that he would not vote to cause these teachers who live outside of Boston to move into the city. In view of the opinion by Justice Roman, in the case of Lynch v. Judges of the District Court of Somerville, in which he stated clearly and concisely that such action was legal, and in view of the fact that we gave to the members of the Boston School Committee the information which they are presumed to have anyway, and in view of the fact that the same Corporation Counsel said that the action was legal, we presumed then that the committee, as a matter of justice to the taxpayers and the residents of Boston, would request the Corporation Counsel, for an opinion, and that in the event it were legal they would take immediate action. So far such a matter has not come before the official notice of the School Committee. I fail to subscribe to any suggestion such as has been made during the past few years, that possibly some members of the Boston School Committee are forgetful of their obligation to the residents of the City of Boston in this matter. I fully believe that the members of the Boston School Committee are inspired only by a desire to do justice to the teachers living outside of Boston, but I fully believe also that these gentlemen, elected by the residents of Boston, should think in some way of justice to the residents of this city. Accordingly, we are requesting the Boston Corporation Counsel to inform the members of this body whether such action would be legal. Today we introduced two orders requesting that he give us information relative to the general body of city employees, and specifically the Boston school teachers. I realize full well that the Corporation Counsel may say that, in view of the fact that we have no executive capacity to legislate for the Boston school teachers, he may not want to give us an opinion relative to the school teachers, but I feel that certainly he may have something to say relative to the general personnel of the city, and accordingly we have introduced the second order and requested that he give us information on that. I notice the statement of the chairman of the Boston School Committee that the purpose which Councilors Hutchinson and Sullivan were striving to obtain would ultimately be realized by the action taken in 1933 by the Boston School Committee, stating that no teachers were now allowed to move outside of Boston who were on the pay roll, and that no teachers living outside can be hired for future service. Naturally that is a matter of vital importance at the present hour. Five million dollars in salaries is being given away to citizens of such places as Sterling Junction, Ballardvale, as far west as Worcester, as far north as

Lowell, and as far south as Duxbury, and I understand that two teachers on the Boston pay roll actually live outside of the state. They ought to move here as a matter of justice, but they do not want to disrupt their residence outside of Boston. One family teaching in the Boston schools draws close to \$20,000 annually for five members who are teaching in the Boston schools. The School Committee is thinking of justice, but that is not justice. That is an absolute disgrace. They owe it to the Boston residents to bring these people in here, and I hope they will take summary action. One Boston newspaper said that there is much to be said on both sides. Councilor Hutchinson and I are fully appreciative of that. They state that at the time the teachers contracted for their services with the City of Boston there was no provision that they should move into the city, and that accordingly such a move now might be illegal. Well, in the very opinion that I quoted of the Corporation Counsel, Henry Foley, he stated that not only was there no definite contract for any tenure but that their services might be dispensed with at the termination of any school year, so that I believe that any such argument is unsubstantiated. Furthermore, they said that the pupils should be considered, that this is not merely a matter of living in the city, merely a matter of convenience, but we should consider the best possible education for the children. I fully realize that a teacher from Sterling Junction or Ballardvale or any place else, will become no more of a teacher by living out there and no less of a teacher by moving into the city. I believe that some action should be taken relative to this matter. Councilor Hutchinson and I have received several hundred letters of approval of our stand upon it. We received one, however, from one lady who stated that we must be forgetful of our own school days, that we must realize that, because of the tiresome whirl of school teaching these teachers are entitled to live outside the city. I wrote back to that lady and told her that, in view of the fact that I myself have been going to school for the past twenty-three years, I still remember the tiresomeness of the schoolroom, but I certainly feel, in view of the fact that Boston is paying \$5,000,000 a year to teachers living outside the city, it is time for a change. I really believe that it is time for a change in this matter; I believe that justice dictates it, and that we should get it immediately.

Coun. SHATTUCK—Mr. President, it seems to me that this whole discussion is entirely irrelevant so far as this board is concerned. The Council has certain duties, certain rights, and certain jurisdiction. This matter is entirely outside its duties, entirely outside its rights and entirely outside its jurisdiction.

Coun. SULLIVAN—Mr. President, in answer to that I might state that we introduced two orders here this afternoon and I was speaking on both of them. I might say, however, in view of the fact that a budget is before this Council now wherein provision has been made for spending several thousand dollars to attract business into the city, through drawing conventions here and otherwise, what might have we to appropriate any money under such conditions when we are spending \$5,000,000 a year outside of Boston?

The order was passed under suspension of the rule.

#### YOUNG'S HOTEL PROPERTY.

Coun. CHASE offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of instructing the City Law Department to proceed immediately with foreclosure proceedings with a view to taking over the Young's Hotel property for back taxes.

Coun. CHASE—Mr. President, the City of Boston has some sort of an agreement with the property owner of Young's Hotel whereby

the city will credit the owner with the cost of renting the hotel on the owner's tax bill. To my way of thinking the City of Boston should have foreclosed a long time ago on this hotel property. I cannot conceive why the City of Boston should give preference to the owner of Young's Hotel when people who own small homes and other property owners in Boston are subject to the law that after two years of nonpayment of taxes the city steps in and takes over the property. Now, Mr. President, we can use that hotel to our advantage. There are a great many municipal departments for which the City of Boston is paying rent, and those departments could be moved over into the Young's Hotel building, thereby saving the city considerable money.

The order was passed under suspension of the rule.

#### USE OF YOUNG'S HOTEL BY DEPARTMENTS.

Coun. CHASE offered the following:

Ordered, That his Honor the Mayor consider the advisability of requesting the Boston Municipal Court to move immediately into the quarters available in the new Suffolk County Court House; and be it further

Ordered, That his Honor the Mayor consider the advisability of requesting the Law Department, Licensing Board, Medical Examiner Brickley, Finance Commission, and the W. P. A. headquarters to move as soon as possible into Young's Hotel in order that the city may save \$36,690 now spent annually for rent for these departments.

Coun. CHASE—Mr. President, the Law Department of the City of Boston is costing the city approximately \$15,000 in rent, the W. P. A. headquarters on Oliver street are costing the city around \$10,000 a year in rent, Medical Examiner Brickley on Boylston street is costing the city \$1,800 in rent, the Finance Commission is spending approximately \$5,000 a year in rent. I cannot see why the City of Boston should be paying these rentals when we have such a good building as Young's Hotel available, provided the Municipal Court moves over into the new court house, and to my way of thinking there is no good reason why the Municipal Court of the City of Boston should not be able to move over into the new court house within one month. We have a tremendously large building in the new court house, which affords ample space for all the court house facilities, and there is plenty of room there in the old court house to house the Municipal Court of the City of Boston. I trust the Council will pass the order.

The order was passed under suspension of the rule.

#### SIDEWALKS AND FOUNDATIONS, HUNTINGTON AVENUE.

Coun. CHASE offered the following:

Ordered, That the Building Department be immediately instructed to inspect sidewalks and building foundations in the vicinity of the Huntington Avenue Subway construction.

Coun. CHASE—Mr. President, I have had a good many complaints in the past few days relative to conditions existing on Huntington avenue; the sidewalks are buckling up, cracks are appearing in the walls of the large buildings in the neighborhood because of the subway construction. I deem it a necessity for the safety of the people in that district that the Building Department send an inspector or inspectors down to check on the entire situation, because it is quite threatening.

The order was passed under suspension of the rule.

Later in the session Coun. FITZGERALD said: Mr. President, I move reconsideration of the order introduced by Councilor Chase, in which he called upon the Building Department to inspect the so-called Huntington Avenue Subway and the property adjoining there-

on, on the ground that danger exists. I do not think that any member of the Council intended, when the matter was introduced here, to cause a lot of needless alarm and have the people get the impression that the Huntington Avenue Subway is unsafe. I would like to have Colonel Sullivan appear here before the Council to say that this is not a proper procedure. I would like to have the Council agree to a reconsideration in order that he may come down and set at rest any such rumors that there is anything unsafe about the Huntington Avenue Subway.

The question came on reconsideration.

Coun. CHASE—I might say, Mr. President, that quite a number of the residents of Huntington avenue have already complained about the building foundations cracking open and the sidewalks bulging out, and large cracks appearing, like earthquake formations, which have caused some alarm. I am perfectly agreeable to having Colonel Sullivan come down and give us the information that he has in hand. Nevertheless, I believe that the Building Commissioner should order an immediate investigation of those building foundations, because if there is any danger existing there the matter should be remedied right away.

Coun. FITZGERALD—Mr. President, they have inspectors on the job there, and we all know that it is being done by W. P. A. labor. If a false impression goes out it will cause a lot of unrest and the people will become uneasy. I think the proper department to handle this matter is the one that is now doing the job, and that they should be given this right. We all know how difficult it is to hear down here, with the echoes in the chamber, and I think the members did not understand what was being proposed by the gentleman. I know I did not.

Coun. CHASE—Mr. President, far be it from me to hesitate on any matter like this. I believe that my constituents are entitled to the protection of the Building Department, and if the foundations of buildings on Huntington avenue are undermined because of the construction of the subway I feel that it is a matter that the Building Department should go into in order to relieve the people. I do not know personally that they have inspected those foundations, but I do know that within the past few days large cracks have appeared in certain sections of the sidewalk very close to certain buildings there, and I don't think the Building Commissioner knows about it. I feel that the public are entitled to know and that the proper official should be sent down to make an inspection.

The order came on reconsideration. Reconsideration prevailed and the order was referred to the Executive Committee.

Coun. LANGAN in the chair.

Coun. CHASE—Mr. Chairman, I move that we now go into executive session and call down Colonel Sullivan.

Chairman LANGAN—Under the rules the order has been referred to the Executive Committee.

The question came on motion of Coun. Chase that the Council go into executive session. The motion was lost.

#### PAYMENT TO ALICE M. STEVENS.

Coun. CHASE offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation to authorize the payment of an annuity of one thousand dollars to Alice M. Stevens, widow of Thomas J. Stevens, a member of the Fire Department who was killed in the performance of his duty; provided that said legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.



## SUMNER TUNNEL TOLLS.

Coun. IRWIN offered the following:

Ordered, That the City Council go on record as opposed to any increase in the present toll at the Sumner Tunnel.

Coun. IRWIN—Mr. President, last week I attended a meeting called by the Taxpayers' Association and listened to a large number of suggestions made by various speakers relative to new revenue coming into the city, and also regarding possible decreases in the cost of certain departments of the city. As far as I could determine from the speakers, they presented a 90 per cent legislative program which should have been brought to the State House and not to the attention of the City Council. However, one of the suggestions offered by one of the speakers was that the traffic tolls in the Sumner Tunnel be increased, and the most specific reason given for the increase was that this was the tourist season, that the race track would be open and it was the right time to increase the tolls. I would like to point out to the Council the futility of increasing the traffic tolls, from our experience. When the Sumner Tunnel was opened the traffic toll was established at 25 cents. There were very few motorists who used the tunnel, to such a degree that very little revenue came in. Afterwards the toll was reduced to 15 cents, and it has been proven that more revenue is derived from the tunnel due to the lowering of the tolls. Now, everyone is agreed that the Sumner Tunnel is every bit as much a highway as other roads and bridges throughout the state, and ever since it was established there have been bills before the Legislature for the state to take over the tunnel, and also that the tolls be waived altogether. The taxpayers, to my mind, were very selfish in suggesting this. Primarily we called the meeting to alleviate the burdens on the homes. However, they were not one bit concerned about increasing the tax on motorists. I hope that this Council will go on record as opposing any increase.

Coun. SHATTUCK—Mr. President, I don't know whether we will reduce our deficit by increasing the tolls or not. It is true, as the gentleman said, we did have a 25-cent toll and reduced it to 15 cents. I think probably it would be inadvisable to put it as high as 25 cents. I think, however, that we should consider the question of tolls, and that we should have the tolls fixed at such a point as will bring in the largest revenue, resulting in the smallest deficit. That is something for the benefit of the City of Boston, because the City of Boston has to raise the money to pay the deficit. About three-quarters of the people who use the tunnel and who get the benefit of it live outside of the City of Boston. I think we do not have sufficient data at the present time to say that 15 cents is the right figure, and I believe, as I have said, that we ought to have the toll set at such a point as will bring in the most revenue and result in the smallest deficit.

The question came on the suspension of the rule and the passage of the order. The order was declared passed. Coun. SHATTUCK doubted the vote and asked for a roll call. The roll was called and the order was passed, yeas 14, nays 2:

Yeas—Coun. Englert, Fish, Fitzgerald, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, McMahon, Murray, Rosenberg, Taylor—14.

Nays—Coun. Chase, Shattuck—2.

## EXPENDITURES OF COURT HOUSE COMMISSION.

Coun. TAYLOR offered the following:

Ordered, That the Finance Commission be requested to investigate the expenditures of the Court House Commission in the erection of the new court house building.

Coun. TAYLOR—Mr. President, there has been \$5,000,000 appropriated and spent in the erection of the new court house building. Of that \$5,000,000 the city has provided a good portion. It appears to me that where a building has originally been scheduled to be built two floors more than it has really been built, and still there was supposed to have been left over a surplus of \$400,000 for the repair of the old courthouse building, and we find at the completion of this building that we have two floors less and no money left over for the repair of the old courthouse building—there is reason to wonder where that money has gone. Certainly these distinguished gentlemen who have charge of this vast amount of money should be made to account to somebody for it. Why were not the original plans of the architect for two floors more followed, and why was there any extra expenditure? Certainly as members of the Board of Directors of the City of Boston we are entitled to know, and the one place we can go to determine whether or not this money was wasted is the Finance Commission. There may be some question as to whether they have a right to investigate the matter, in view of the fact that not only the City of Boston spent money but also the State of Massachusetts, and the Federal Government also contributed towards the expense of this new building. But since the City of Boston has spent money, we have some right in the matter to oversee and to look into the affairs of this commission, to see whether or not the City of Boston got a square deal. In my opinion, many of the things done in the court house have not been right. The expenses for certain items have been, in my opinion, too great. I was rather surprised at one of the budget meetings when Sheriff Dowd told us that a \$5,000,000 new building had no air-conditioning in it. That was indeed a great surprise to me, because today nobody builds a new building without having it air-conditioned. Where has all this money gone to? Has it been spent honestly and fairly? If it has not, the City of Boston is entitled to an accounting, and the only place we can go to get that accounting is to the Finance Commission. I ask that the order pass.

Coun. CHASE—Mr. President, I am heartily in favor of the passage of this order. When we stop to consider that the cost of the electric lighting system in replacement of bulbs alone is \$7,000 a year, something obviously is wrong. The fault lies, Mr. President, with the court house commission which caused this fancy electric lighting system to be installed. When we stop to consider the annual cost for electricity in this new court house building it is appalling. The cost would be approximately \$25,000 a year. If they really realize how extravagant the County Court House Commission has been in the spending of the \$5,000,000 I know that the Council will pass this order.

Coun. GALVIN—Mr. President, I am heartily in accord with some of the things that Councilor Taylor has stated relative to the Suffolk County Court House investigation. It is the duty of the Finance Commission to follow up those various things and not for us to introduce orders to have those types of investigation. I say, as Councilor Taylor says, that some of the money has been spent unwisely. For the past two years I have been picking up the newspapers and have been reading of fires in the new Suffolk County Court House. It surprised me the other day to go up there, and on investigation I find that they have fire hose up there that has a date on it, each and every section, 1937, put in there at that time, with no water connected so that they could put out a fire. What the purpose was of putting it in so early I don't know, unless it calls for an earlier replacement. However, I do not believe it is a duty of this body; I believe it is a duty of the Finance Commission without our asking them to do it. I hope that this body rejects this order.

The question came on suspension of the rule and the passage of the order; declared carried.

Coun. GALVIN doubted the vote. The Chair ordered a rising vote and 8 voted in favor and 7 against.

President MURRAY—The rule is not suspended and the order is referred to the Executive Committee.

Coun. SHATTUCK—I further doubt the vote and ask for a roll call.

President MURRAY—The Chair will state that it requires a two-thirds vote to suspend the rule. The order is referred to the Executive Committee.

#### TIME FOR FILING TAX ABATEMENTS.

Coun. ROSENBERG offered the following: Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to petition for emergency legislation to extend the period of time for filing application for abatement of 1939 taxes beyond October 1st, in view of the uncertainty of the date when the state assessment tax rate will be declared, due to the delay caused by the research work now being done by the City Council Committee on Appropriations, in an endeavor to reduce the budget for the year 1939.

Coun. ROSENBERG—Due to the uncertainty of the State Legislature in arriving at a sum for the budgetary appropriation for the state and the question of returning to the cities and towns and setting the state assessment, there may be delay in the tax rate being known until sometime in September. The Legislature has granted the various cities and towns the right to delay the time of declaring the tax rate until sometime in September. If by any stretch of the imagination the state does not set its assessment and returns to the cities and towns, there may be the possibility that the tax bills may not be sent out in time for the owners of property to file their applications for abatement on time. I therefore feel that, in order to safeguard the rights of the taxpayers of Boston, this emergency legislation should be sought. I ask suspension of the rule.

The order was passed under suspension of the rule.

#### OPPOSITION TO SENATE BILL 374.

Coun. FITZGERALD offered the following: Ordered, That the Boston City Council go on record as opposed to Senate Bill 374 providing for the election of certain city and town officials by proportional representation in the City of Boston.

Coun. FITZGERALD—Mr. President, that order is in connection with a bill pending before the Massachusetts Legislature, now before the Committee on Election Laws, which was heard today, providing for proportional voting for members of the Boston City Council who might go on the ballot at the coming city election. Those who appeared in favor of it had the floor until half past one today. I was up there to be heard in opposition to it. I felt that, being on Monday, the day the City Council meets, we should have an opportunity to be heard, and at my request the hearing was continued until tomorrow morning at 10.30 o'clock in order that I might bring back a resolution placing the City Council on record as being opposed to the election of the Boston City Council by proportional representation.

The question came on the suspension of the rule and the passage of the order.

Coun. SHATTUCK—Mr. President, I think that bill does not provide for the election of certain officials by proportional representation. I think it merely provides that the citizens of Boston, at an election, may vote to adopt that method if they see fit to do so. That is a very different thing. I think we ought to allow the citizens of Boston to adopt that method if they wish to do so. I am opposed to the order for that reason.

Coun. FITZGERALD—Mr. President, the councilor from the Back Bay is quite right. If it goes through it means it will be placed on the ballot. It will place a lot of un-

necessary work upon the people here in the city. It will be placed on the ballot and there will be an election, and it has not worked very well in other cities where it has been tried. I don't think that Boston should be burdened with it and I think we should go on record as being opposed to it. It will be placed on the ballot at the city election in November if it goes through the Legislature.

Coun. GALVIN—Mr. President, I move that the matter be referred to the Executive Committee so that we will have a clear understanding of it.

Coun. FITZGERALD—Mr. President, there are many things to come up before the Executive Committee today. If the members of this Council are in favor of adopting this system of election it will be placed on the ballot in November; if the City Council is in favor of such a proposition, all well and good. They have done it in other cities and they will do it in Boston. That is all the question is, either Yes or No. Do you want to have proportional voting in Boston? The matter will be heard tomorrow before the committee on election laws.

The order was referred to the Executive Committee.

#### RECESS.

President MURRAY at 3.03 p. m. ordered a recess subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 5.27 p. m.

Coun. LANGAN in the chair.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusement, viz.: Lillafrances Viles, William Barton Rogers Junior High School, May 13; Leopold DeCordova, Recital Hall, June 8; Marie Livingston, Eliot Hall, May 22; Katherine T. O'Gorman, Colonial Theatre, May 19; Edith M. Leavis, Jordan Hall, June 26,—recommending that leave be granted on usual conditions.

Report accepted; leave granted on usual conditions.

2. Report on order (referred May 1) that custodian of new court house be requested to curtail lighting—recommending reference to Committee on Appropriations.

Report accepted; said reference ordered.

3. Report on message of Mayor and order (referred today) for appropriation of seven-twelfths of pay roll of city departments—

That same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. WILSON—Mr. President, I desire to make my position clear on this matter for the sake of the record. I frankly admit that, not being a member of that committee, I have not attended all of the hearings of the Committee on Appropriations, but I have read enough about the budget to understand that the Mayor has not only substantially cut the department estimates, as is the custom, but that the budget is supposedly a million to a million and a quarter under last year's budget. I am under the impression that there should be available sufficient funds to carry us, in view of our earlier vote, up to the first day of June, and I personally question it, whether, as a matter of precedent, the City Council should at this time vote sufficient funds to carry the City of Boston to the first of August. I gather from what was said in the Executive Committee that the budget, if the Budget Commissioner sends us the information that has been requested, might conceivably even be in here for action next Monday, and while I have every desire to cooperate with the city administration I certainly personally wish it to appear in the record that the reason I am voting against this measure is that I consider it a poor precedent, to say the least,

for the City Council, none of whom, in my opinion, would place definitely the amount needed in the various departments, in advance of a report by the Committee on Appropriations to vote sufficient money to carry the City of Boston to the first of August. And I say that advisedly, because I am aware of the fact that only two or three years ago the budget was not passed for a much greater amount until the last week in May.

Coun. LANGAN—Mr. President, when this matter came in before us today it was represented to us as in the nature of an emergency. We were informed that unless we did something about the budget today nineteen city departments would be without funds to carry on their normal functions. I for one do not propose to limit the normal functions of the city government by refusing to pass sufficient sums to carry them on. Now, the question comes as to how much would be necessary in order to carry on these normal functions of the government. We do not know to a certainty when we will be through deliberating on the budget. It may be next Wednesday; and again, it may not be next Wednesday. It may be even two weeks from now before the Committee on Appropriations feels certain that they have scrutinized closely and with entire sincerity the items necessary to form a basis for our deliberations. I for one, Mr. President, feel that this is in the nature of an emergency, as presented to us by the Budget Commissioner, and I feel that in voting in favor of the seven-twelfths appropriation I am doing what my proper duty is to carry on the functions of the city government.

Coun. AGNEW—I move the previous question.

Coun. CHASE—Mr. President, as chairman of the Committee on Appropriations, I feel that at this time I should be heard on this matter. After all, Mr. President, I preside over the Committee on Appropriations and know what is in the budget. I know what should be cut out of that budget. And I say Mr. President, that if we appropriate seven-twelfths of the entire budget you are putting us in an embarrassing situation. You are putting the entire Council in an embarrassing situation. You are putting the city departments in a position where they can go ahead and spend seven-twelfths of the entire city budget. Therefore I move that the portions which I desire to have stricken out of the budget be excepted.

The question came on Coun. Agnew's motion of the previous question. The motion was carried. The question then came on the adoption of the order that seven-twelfths of the budget be appropriated. The roll was called and the order adopted, yeas 20, nays 2:

Yeas—Coun. Agnew, Carey, Englert, Fish, Fitzgerald, Galvin, Harris, Hutchinson, Irwin, Kelly, Kerrigan, Langan, Lyons, McMahon, Murray, Norton, Rosenberg, Shattuck, Sullivan, Taylor—20.

Nays—Chase, Wilson—2.

4. Report on order (referred today) that Council go on record as opposed to Senate Bill 374—recommending passage of order in following new draft, viz.:

Ordered, That the Boston City Council go on record as opposed to Senate Bill 374 providing for vote of the people on question of proportional representation in the City of Boston.

The report was accepted and the question came on the passage of the order.

Coun. SHATTUCK—Mr. President, that order refers to the Senate bill but refers to it incorrectly. That bill is to provide for amending the law which was passed last year giving cities and towns generally the right to pass on whether they wish to have proportional representation, so as to include Boston, which was excepted from the law as originally passed. Every city and town was allowed to pass on the question except Boston. This bill strikes out "except Boston," so that it allows all cities and towns, including Boston, to vote on the question. I am opposed to preventing the citizens of

Boston from voting on the question. I want it clear just what we are doing, and I shall vote against the order. But first I want to make it clear what we are doing. I therefore move to amend the order by inserting after the words "providing for" the words "a vote of the people on the question of." With that amendment we state correctly the substance of the order we are opposing or favoring. I shall vote against this order because I favor the bill.

The question came on Coun. Shattuck's amendment.

Coun. FITZGERALD—Mr. President, Councilor Shattuck has already stated he is opposed to this proposition, but he puts in this amendment which of course does the very thing that we want to avoid. Of course every one of us feels that we want to give the people the opportunity to pass on this question. But, as the councilor from Ward 10 stated in the executive session, we have had it all to do here time and time again. We were faced with the question of voting on the dogs. People came in here who did not want a dog track in Hyde Park, who did not want racing at the Boston Garden. And the people who favored it did not say they wanted it in their back yards. We are up against the same proposition. The people are asking to vote on this matter. They will come in and want it put upon the ballot. If the people knew that by voting for this proposition they were doing away with their ward councilor they would not vote for it. They are not being told that. This is going to be an election at large. That sort of proposition stands, and as I see it it is a direct slap at the present set-up of the Boston City Council. We might as well go the distance, if we are going to change the Council, and elect the members at large, and let the people know what they are voting for. The gentleman from the Back Bay is absolutely honest. He says he is opposed to the proposition in the present bill. In his amendment we would merely go on record as favoring the proposition. Of course when we raise the question, "Don't you want the people to have the right to vote?" the Legislature for some reason, when they passed the bill last year, included every city in the Commonwealth except Boston. During the past few months a very intensive campaign has been going on, over the radio and through meetings. But many of the people have been misled. I think the City Council should adopt my proposition. We are opposed to this bill. Now, we have just one member of the Legislature here, just one man who is in the Council and the Legislature at the same time. He knows that what I say is right. Now, we will have on the ballot this coming fall the question whether the Mayor of the city may be recalled, —whether the recall provision shall be put in or taken out. There will be the question whether the Mayor may succeed himself. You will have a campaign on for that. There will be a campaign for the School Board, a campaign for the members of the City Council, and a campaign for this proposition, and the people will simply become confused. They don't know what it means, the wiping out by proportional representation. That is all it is. With all due respect to the councilor from the Back Bay, he has a very cutely worded amendment there.

Coun. SHATTUCK—Mr. President, with all the gentlemen has said he must approve my amendment, because he states in a perfectly forthright way that we are either opposing or favoring it.

The question came on the amendment.

Coun. NORTON—Mr. President, speaking on the amendment, all it does, as I understand it, is, if this bill is passed, to allow the people of Boston to vote as to whether or not they want this system. As to whether that means a council-at-large I don't believe anyone knows. As for the system itself, it works in many other countries. You can't get one of the leaders in Ireland who will not agree that the most democratic way of voting they have ever had over there is the so-called P. R. system.

Coun. FITZGERALD—Mr. President, we are ahead of every country in the world with what we call our own system over here. Of course the councilor—very cutely also—did not say whether it shall be at large or by proportional representation. I have listened to the arguments here today and I think, with all due respect to both of these gentlemen, we should vote this amendment down and pass the order in its original form.

The question came on Coun. Shattuck's amendment. The amendment was declared rejected. Coun. SHATTUCK doubted the vote and asked for the yeas and nays. The roll was called and the motion lost, yeas 6, nays 12:

Yeas—Coun. Agnew, Kelly, Norton, Shattuck, Sullivan, Wilson—6.

Nays—Coun. Carey, Englert, Fish, Fitzgerald, Galvin, Hutchinson, Irwin, Langan, Lyons, McMahon, Rosenberg, Taylor—12.

The question came on the passage of the order. The order was declared passed. Coun. SHATTUCK doubted the vote and asked for a roll call. The roll was called and the order was passed, yeas 14, nays 4:

Yeas—Coun. Agnew, Carey, Englert, Fish, Fitzgerald, Galvin, Hutchinson, Irwin, Langan, Lyons, McMahon, Rosenberg, Sullivan, Taylor—14.

Nays—Coun. Kelly, Norton, Shattuck, Wilson—4.

#### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Coun. ROSENBERG, for the Committee on Constables, moved that the following names in No. 1 on the calendar, appointments submitted by the Mayor April 17, 1939, of constables authorized to serve civil process upon filing bonds, be confirmed: John J. Daunt, Robert E. Donlan, Max Rabinovitz and Frank Shaw.

Coun. ROSENBERG also moved that all the appointments under Nos. 2 and 3 on the calendar be confirmed.

Nos. 1, 2 and 3 (unfinished business) are as follows:

1. Action on appointments submitted by the Mayor April 17, 1939, of Constables authorized to serve civil process upon filing bonds, viz.: John J. Daunt, John J. Dillon, Robert E. Donlan, John A. May, Max Rabinovitz, Almerindo Sarno, Frederick J. Sarno, Frank Shaw.

2. Action on appointments submitted by the Mayor May 1, 1939, of Frank Mitchell and Michael Harney, to be Constables authorized to serve civil process upon filing bonds.

3. Action on appointments submitted by the Mayor May 1, 1939, of William J. O'Connor and William H. Kenney, to be Weighers of Goods.

The question came on confirmation. Committee, Coun. Irwin and Sullivan. Whole number of ballots 18, yes 11, no 7, and the names of John J. Daunt, Robert E. Donlan, Max Rabinovitz and Frank Shaw, in No. 1, and all the names in Nos. 2 and 3 were confirmed, yes 11, no 7.

#### TRANSPORTATION OF PROFESSIONAL TALENT TO SANATORIUM.

Coun. TAYLOR, for Coun. Kerrigan, offered the following:

Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to restore the item of \$100 for the transportation of professional talent who volunteer their services for the entertainment of patients at the Boston Sanatorium, which he recently cut from the budget for this year.

Passed under suspension of the rule.

#### PAVING OF TREMONT STREET.

Coun. McMAHON, for Coun. Harris offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the

Mayor, to resurface with smooth paving, as a W. P. A. project, Tremont street, from Northampton street to Roxbury Crossing, Ward 9.

Passed under suspension of the rule.

#### SIGNAL LIGHTS, BENNINGTON STREET.

Coun. IRWIN offered the following:

Ordered, That the sum of \$10,000 be, and hereby is, appropriated for the purpose of installing four traffic signal lights on Bennington street, East Boston, from Neptune road to Orient Heights, and that to meet said appropriation the City Treasurer be authorized to issue, from time to time, upon the request of the Mayor, bonds or certificates of indebtedness of the city to said amount.

Referred to Committee on Finance.

#### WARD 20 IMPROVEMENTS.

Coun. LYONS offered the following.

Ordered, That the Commissioner of Public Works make a sidewalk along South Fairview street, from South street to South Walter street, Ward 20, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Weld street, between Church street and the West Roxbury Parkway, Ward 20.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out the following streets in Ward 20 as public highways: Howitt road, Clement avenue extension.

Ordered, That the Superintendent of Public Buildings be requested, through his Honor the Mayor, to consider the advisability of erecting a municipal building in West Roxbury as a W. P. A. project.

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install a "Stop" sign at the corner of South and Centre streets, Ward 20.

Severally passed under suspension of the rule.

#### MEMORIAL WORLD WAR VETERANS, CHARLESTOWN.

Coun. GALVIN offered the following:

Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to erect a suitable memorial in City square, Charlestown, in commemoration of the deceased veterans of the World War.

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to advise the City Council if part of the Cemetery Fund can be used for the erection of a memorial to World War veterans in City square, Charlestown.

Severally passed under suspension of the rule.

#### SIDEWALK ON CANTERBURY STREET.

Coun. NORTON offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Canterbury street, both sides, from Mt. Calvary road to Cummins Highway, Ward 18, in front of the estates bordering thereon; said side-

walk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### POINT OF INFORMATION.

Coun. NORTON—Mr. President, a point of information. Do I understand that the housing order before the Executive Committee has been laid on the table for another week?

Chairman LANGAN—That is correct.

Coun. NORTON—Next week it is to come up again?

Chairman LANGAN—That is not my impression, councilor. I think it is just laid on the table.

Coun. NORTON—What I want to say is that—

Chairman LANGAN—The gentleman is out of order.

#### BUILDING LAW, HOUSING PROJECT.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority, through his Honor the Mayor, be requested to advise the City Council whether in the construction of the proposed housing project in Charlestown the provisions of section 63, or any other section of the building law, are to be violated by the use of windows with a vertical metal bar in the center, or such other arrangement as will prevent the opening of the entire upper half of the window in case of emergency.

The order was passed under suspension of the rule.

#### OPERATIONS AT OLD HARBOR VILLAGE.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority, through his Honor the Mayor, be requested to advise the City Council the amount of the operating deficit or profit at Old Harbor Village for the year ending December 31, 1938.

Passed under suspension of the rule.

#### DATA RE WATER DIVISION.

Coun. WILSON offered the following:

Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to advise the City Council with reference to the Water Division of the Public Works Department:

1. The total income of said division for the calendar year 1938.
2. The total expense of said division for the calendar year 1938.
3. The amount of cash on hand in said division as of January 1, 1938.
4. The amount of cash on hand in said division as of January 1, 1939.
5. The total amount of the appropriation provided for said division for the calendar year 1939 in the Mayor's budget.

Passed under suspension of the rule.

#### INCREASE OF SUMNER TUNNEL TOLLS.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of a reasonable increase this year in the Sumner Traffic Tunnel tolls contingent on the failure of the Massachusetts Legislature to provide for some state share in the cost of operating and maintaining this section of regional highway.

Coun. IRWIN—Mr. President, I rise to a point of order, that this order is inconsistent with an order already acted upon by this Body at this session.

Chairman LANGAN—The point of order is well taken.

Coun. WILSON—If that is so, then I now move reconsideration of the earlier vote and I would like to speak on the question of reconsideration.

Chairman LANGAN—The question is on reconsideration.

Coun. WILSON—I would like to speak on reconsideration. The point I wish to make is this: That the statement has been—

Coun. IRWIN—Mr. President.

Chairman LANGAN—For what purpose does the gentleman rise?

Coun. IRWIN—The gentleman is out of order. The question has not been put on reconsideration.

Chairman LANGAN—The gentleman has a right to show his reasons for requesting reconsideration. Councilor Wilson may proceed.

Coun. WILSON—Mr. President, the point has been raised that the State—and it is a quite proper point—could properly consider the Sumner Tunnel as a part of the state highway system and should appropriate moneys to help out on the annual deficits. The argument is properly made by the City of Boston that a large amount of the traffic through the Sumner Tunnel is of no particular benefit to Boston, is not traffic of Boston residents but of people who live outside of Boston, and that the tunnel is in great part for the benefit of the race tracks and is used by patrons of the race tracks during the summer season. I therefore feel that the City of Boston, to force the Legislature's hand to that extent, should raise the tolls a reasonable amount, and in that case some of the members of the Legislature who are from sections outside of Boston will wake up to the fact that their portion of the state should bear a part of the cost. I therefore in all seriousness urge the reconsideration of the earlier order because I think that it is perhaps the shortest cut to encouraging favorable and fair treatment from members of the Legislature living outside of the Boston district.

At the request of Coun. AGNEW the clerk gave the substance of the order.

The question came on reconsideration. Reconsideration refused.

#### CONSOLIDATION OF DEPARTMENTS.

Coun. WILSON offered the following:  
Ordered, That his Honor the Mayor be requested to consider the early advisability of submitting for approval by the City Council a plan:

1. For prompt consolidation of the Market Department with the Public Buildings Department.
2. The consolidation of the Penal Institutions Department with the Institutions Department.
3. The possible reorganization of the various fiscal agencies of the city into a single Finance Department, to include the Budget Department, Auditing Department, Treasury Department, Assessing Department, Collecting Department and the Purchasing or Supply Department.
4. The consolidation of the offices of the Medical Examiners for the Northern and Southern Districts.
5. Such reorganization of the Transit Department as will eliminate the need for three commissioners.

Referred to Executive Committee.

#### NUMBER OF CITY EMPLOYEES.

Coun. WILSON offered the following:  
Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to advise the City Council at once:

- a. The total number of employees of the city, including department heads.

b. The total number of such employees in the School Department and, therefore, outside of the budget submitted by the Mayor to the City Council.

c. The total number of employees, including department heads, now on the pay rolls of departments included in the budget submitted by the Mayor to the City Council.

Passed under suspension of the rule.

#### CITY PAY ROLL.

Coun. WILSON offered the following:

Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to promptly advise the City Council:

a. The number of raises in pay, if any, other than step-rate increases granted during 1939.

b. The aggregate amount of such raises.

c. The number of pay raises, if any, other than step-rate increases granted during 1938.

d. The aggregate amount of such raises.

e. The number of pay raises given during 1937 other than step-rate increases.

f. The aggregate amount of such raises.

g. The number of positions, including both officials and employees, which were not included in the 1937 pay roll, but which have been filled or created since January 1, 1938.

h. The aggregate amount of yearly salary included in the 1939 budget for such positions.

Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to advise the City Council at once:

a. The number of employees now receiving \$2,100 per year or more who are included in the Mayor's budget to receive a step-rate increase this year.

b. The additional expense to the city over last year's salaries if such step-rate increases are allowed.

c. The number of employees who are included in the so-called step-rate classification list of employees, but who have not been granted step-rate increases this year in the Mayor's budget already submitted to the Council.

Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to advise the City Council at once concerning all employees, including department heads, now on the pay rolls of departments included in the budget submitted by the Mayor to the Council, giving the number of such employees and department heads now receiving pay at the rate of:

a. \$1,000 or less per year.

b. From \$1,000 to not over \$1,600 per year.

c. From \$1,600 to not over \$2,000 per year.

d. From \$2,100 to not over \$3,000 per year.

e. From \$3,000 to not over \$4,000 per year.

f. From \$4,000 to not over \$5,000 per year.

g. Over \$5,000 per year.

Coun. WILSON—Mr. President, I was very much interested in numerous suggestions made at the public meeting in this hall last Tuesday on the matter of the 1939 budget, but especially a request made that we consider again putting into effect the readjustment of wages established by former Mayor Curley between April of 1933 and the close of 1934. I was interested from a number of angles, first, because I believe that, unless the Massachusetts Legislature offers some degree of relief from the record state deficit about to be charged back on the cities and towns, our 1939 tax rate will be nearer \$46 than \$41. Second, because I believe that the taxpayers of Boston in such an event will virtually go on strike, and that thousands of property owners by the payment of a \$2 filing fee will take their cases to the Board of Tax Appeals, angered not only by a record tax rate but also by the fact that their properties continue to be assessed at values far in excess of present market prices. Third, because after nine successive years of depression, and with thousands of men in private employment taking wage cuts or discharge slips, I believe no city or

county employee receiving over \$2,100 a year should, in good conscience, seek or expect wage increases from a city so near the brink of the precipice. Fourth, because I understand from very good sources that a return to the 1933 and 1934 wage adjustments is far from a remote possibility. There is serious danger of that very step being taken, and don't let anybody tell you to the contrary. Fifth, because I personally am prepared to fight to the last ditch for those thousands of city employees who are receiving less than \$2,100 a year, less than \$1,600 a year, and even less than \$1,000 a year, while scores of city and county employees and department heads are receiving from \$3,000 to \$12,000 annually, and some of them are actually this year granted so-called "step rate" increases. The salary cuts made effective in 1933 through 1934 amounted to 5 per cent for those receiving \$1,000 or less, 10 per cent for those receiving \$1,600 or less, and 15 per cent for those receiving over \$1,600 annually. A man with a family making \$1,600 or less, knows what hard sledding is. He does not need to be told that the world in general, these past years, has been forced to make sacrifices and tighten belts. I want to save pay cuts for those folks if it can be done. They know, and we know, that with pay rolls constituting \$2 out of every \$3 spent, if trouble comes, wages will be cut all along the line and hundreds of jobs will be lost. Before that happens, I believe the average low-paid and moderately paid city and county employee has the right to expect, and the taxpayers have a right to demand, that the upper crust in the city's official family should voluntarily realize that the time has come to man the pumps, and that in lightening the cargo some of the fanciest and most expensive goods on board may need to be sacrificed before the necessities. I believe I am correct in my figures when I state that in 1936 we had, for example, seventy-five officials with salaries aggregating \$452,000 doing identically the same work as that done by sixty-eight officials in the city of Baltimore with salaries aggregating less than \$300,000. I don't want to mention any of these upper crust jobs specifically. But just take a look through the complete last available list published for 1937. A detailed schedule of these positions by the scores, starting from \$3,000, through \$3,300, and \$3,500 and \$4,000 and \$4,500, and on up through \$5,000, \$6,000 and \$7,000, and well beyond that, would make more than one property owner whose home will be included in Mr. Thompson's next tax sale list, and would make more than one \$12 a week City Hospital employee foam at the mouth. And so I urge the Mayor to make a careful but prompt survey of the city and county jobs paying in excess of \$1,600 a year before taking any drastic steps which will mean hardship and disaster to employees even now living only slightly above welfare standards. And so, Mr. President, I have introduced these orders together in order to obtain from the Budget Commissioner some detailed, scheduled information on this question of salary grades, on the question of whether or not, as I am informed, there have been raises within the last two years despite the hard times, and especially with reference to the fact that even in the higher brackets, with men in private employment losing jobs and being cut in salary, we actually are raising the pay of men receiving \$5,000 and \$6,000 a year and giving step-rate increases.

The several orders were passed under suspension of the rule.

#### CONDITIONS RE HUNTINGTON AVENUE SUBWAY.

Coun. FITZGERALD offered the following: Ordered, That a special committee of five members be appointed to confer with the Boston Transit Commissioners relative to the Huntington Avenue Subway.

Passed under suspension of the rule.

Adjourned at 6.14 p. m., to meet on Monday, May 15, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Thursday, May 11, 1939.

Special meeting of the City Council in Faneuil Hall at 11 a. m., pursuant to the following call:

Boston City Council,  
May 9, 1939.

To the Members of the City Council.

Gentlemen,—This is to notify you that a special meeting of the City Council is called for Thursday, May 11, at 11 a. m., at Faneuil Hall, for the purpose of acting on the budget recommendation of the Mayor, Items A-1 and A-2.

Respectfully,

GEORGE A. MURRAY, President.

Placed on file.

The clerk called the roll, and the following members were absent: Coun. Fitzgerald, Harris, Hutchinson, Norton, Sullivan, Wilson.

REPORT OF APPROPRIATIONS  
COMMITTEE.

Coun. CHASE, for the Committee on Appropriations, submitted a report on the message and order (referred April 17) appropriating the \$1,194,300 distributed to the City of Boston in 1938, Highway Fund,—recommending reference to the Executive Committee.

The message and order were referred to the Executive Committee.

On motion of Coun. GALVIN the Council voted to go into executive session, and President MURRAY appointed Coun. Shattuck chairman of the Executive Committee for the time being.

The members retired into executive session at 11.15 a. m., and reassembled and were called to order by President MURRAY at 11.43 a. m.

EXECUTIVE COMMITTEE REPORT.

Coun. SHATTUCK, for the Executive Committee, submitted the following:

The Executive Committee, to whom was referred today the message of the Mayor and order appropriating \$1,194,300 of Highway

Fund money received from the state, having considered the subject, respectfully report in part recommending the passage of the following:

Ordered, That, as authorized by the provisions of chapter two of the Acts of nineteen hundred and thirty-nine, from the sum of one million, one hundred ninety-four thousand three hundred (1,194,300) dollars, being the unexpended balance of funds distributed to the City of Boston under the provisions of chapter five hundred of the Acts of nineteen hundred and thirty-eight, the sum of five hundred and twenty thousand dollars (520,000) be, and hereby is, appropriated for construction, reconstruction, maintenance and repair of roads, streets and highways other than state highways, surface drainage, sidewalks, curbs and bridges, whether such work be ordinary or otherwise, said sum to be expended under the direction of the Commissioner of Public Works as follows:

Public Works Department, Paving Service.  
A. Personal Service.....\$520,000 00

The report was accepted and the question came on the passage of the order.

Coun. SHATTUCK—Mr. President, I may say for the record that the figure of \$520,000, as appears in the order, is approximately seven-twelfths of the budget item, and places the appropriation on the same basis as the others that we previously passed.

Coun. LANGAN—Of course, Mr. President, the Paving Department finds itself in the position of being without funds to meet the pay roll, due to the fact that the Appropriations Committee is still deliberating on the budget, and because of the fact that the Mayor has set aside a fund of money—a fund which comes from the State Highway Fund—by which he intends to reduce the tax rate for the City of Boston. I feel that it is an absolute necessity that this appropriation be passed today and, consequently, I wish to be recorded in favor of it, Mr. President.

Coun. ROSENBERG—Mr. President, I don't know whether it was the intention of the councilor from the Jamaica Plain section that we pass the full appropriation but I think that, acting consistently with our appropriations for various other departments, we should pass the order as recommended by the Executive Committee on the seven-twelfths basis.

The question came on the passage of the order. The roll was called and the order passed, yeas 16, nays 0.

President MURRAY—The purpose for which the meeting was called having been accomplished, the meeting is now adjourned.

Adjourned at 12 noon, to meet on Monday, May 15, 1939, at 2 p. m.





## CITY OF BOSTON.

## Proceedings of City Council.

Monday, May 15, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair, and all the members present.

Coun. WILSON in the chair.

## VETO OF ORDINANCE RE CIGARETTE VENDING MACHINES.

The following was received:

City of Boston,  
Office of the Mayor, May 12, 1939.  
To the Honorable the City Council.

Gentlemen,—I return herewith, without my signature and disapproved, the ordinance passed by your Honorable Body on May 1, 1939, relative to the sale of cigarettes or tobacco by vending machines. The ordinance, as passed by your Honorable Body, provides for the payment of \$25 for a license for the term of one year for each vending machine.

I have been advised by the Corporation Counsel that, in his opinion there is substantial doubt that the ordinance would be upheld by the Supreme Court of the Commonwealth as a valid exercise of police power because of the size of the proposed fee, and the lack of evidence adduced before your Honorable Body to support its reasonableness on the basis of the cost of such regulation as might be required in the protection of the public health and safety.

The Corporation Counsel advises me that his opinion is based, in part, upon a decision of the Supreme Court of Michigan in 1934, wherein an ordinance of the city of Detroit regulating cigarette vendors was under consideration by said court. In this case it appeared that a license fee of \$10 had been established by the Common Council in said city; that the Mayor of said city vetoed the ordinance; and that thereafter the fee was placed at \$5.00.

The court laid considerable stress upon the cost of issuing the license and the regulation of the business licensed and while upholding the \$5.00 license fee then under consideration indicated, in the opinion of the Corporation Counsel, that the result would not be the same if the expense or amount of regulatory provisions and the nature of the subject of regulation were such that the amount of the tax was out of proportion to the expense involved.

I therefore veto the ordinance as presented to me.

Respectfully,  
MAURICE J. TOBIN, Mayor.

On motion of Coun. KELLY the Mayor's message was referred to the Executive Committee, and the attendance of the Corporation Counsel before that committee was requested.

## TRANSFER OF LAND TO LOEW'S, INC.

The following was received:

City of Boston,  
Office of the Mayor, May 15, 1939.  
To the City Council.

Gentlemen,—I submit herewith an order for transfer to Loew's, Inc., of a piece of land comprising ten square feet, which is con-

tiguous to land and buildings now owned by said Loew's, Inc., and situated on the southeasterly side of Winchester street, Boston Proper.

The Board of Street Commissioners have discontinued this small strip of land as a public highway and the Public Works Commissioner informs me that this small strip of land is no longer needed for public purposes.

The purpose of this transfer is to permit the said Loew's, Inc., to clear up the title to the property now occupied by them. As this property is no longer needed for public purposes, I am of the opinion, that transfer of the land should be made at a nominal figure. I therefore recommend passage of the accompanying order.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

Whereas, The Board of Street Commissioners of the City of Boston, by an order approved by his Honor the Mayor of Boston, May 12, 1939, discontinued a portion of the highway named Winchester street, Boston Proper, consisting of ten square feet contiguous to the premises of Loew's, Inc., situated on the southeasterly side of Winchester street, between Lincoln place and Church street; and

Whereas, Loew's, Inc., a corporation organized under the laws of the state of Delaware and having a usual place of business in the city, county and state of New York, is desirous of obtaining the ownership of said ten square feet; and

Whereas, The said ten square feet are no longer needed for public purposes; now, therefore, it is hereby

Ordered, That his Honor the Mayor be, and he hereby is, authorized to convey to the said Loew's, Inc., by an instrument in writing, satisfactory in form to the Law Department of the City of Boston, and on the consideration of one dollar (\$1) paid by the said Loew's, Inc., all the City of Boston's right, title and interest in the said ten square feet discontinued as aforesaid.

Referred to Executive Committee.

## SIDEWALK AT ENTRANCE TO FRANKLIN PARK.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Park Department relative to your order of May 1, 1939, concerning the construction of a sidewalk (concrete) on the right-hand side of the entrance to Franklin Park from Columbia road, under the W. P. A. plan of construction.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, May 10, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have memorandum of May 8, with inclosure, order from the City Council that the Park Department be requested to construct a concrete sidewalk on the right-hand side of the entrance to Franklin Park from Columbia road. A project for the construction of this sidewalk is now in Washington and it will no doubt be accepted.

Under the present W. P. A. conditions no additional men can be put to work after the projects are accepted, until such time as other projects are completed or discontinued.

Very truly yours,  
WILLIAM P. LONG, Charman.

Placed on file.

TRAINING COURSE, AVIATION  
MECHANICS.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the School Committee Secretary relative to your order of April 17, 1939, concerning the making of arrangements to collaborate with the Federal Government for the establishment of a training course in aviation mechanics in the high schools of Boston.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
School Committee, May 8, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a recent conference the School Committee received the order passed by the City Council on April 17, 1939, requesting the Committee, through his Honor the Mayor,

"to forthwith make arrangements to collaborate with the Federal Government for the establishment of a training course in aviation mechanics in the high schools of Boston, in conjunction with the present curriculum of the high schools."

The superintendent informed the Committee that there is now in the Boston Trade School an Airplane Mechanics course, with some forty pupils registered and regularly in attendance. The course has been operating for some few years and in June, 1938, nineteen pupils were graduated from the course. Additional provision for instruction in the subject is now under way and the result will be a four-year course in aviation mechanics. The course is well equipped and the instruction is in charge of men of practical experience.

It does not seem to the Committee feasible at this time to introduce aviation mechanics in the high schools largely on account of the expense involved.

Respectfully yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

DATA RE POLICE PERSONNEL.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of April 3, 1939, concerning the analysis of police personnel, equipment and assignments.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Police Department, May 8, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—Complying with order of the City Council of April 3, 1939, "That the Police Commissioner be requested, through his Honor the Mayor, to bring up to date the analysis of police personnel, equipment and assignments given on page 820 of the *City Record* of 1935, including the status of the Police Department on January 1, 1939," I submit the following information:

TOTAL FORCE.

1936. March 1.	1937. March 1.	1938. March 1.	1939. March 1.	Also 1939. Jan. 1.
2,147	2,105	2,259	2,222	2,228

POLICE PERSONNEL FROM RANK OF PATROLMAN TO THAT OF CAPTAIN.

	1936. March 1.	1937. March 1.	1938. March 1.	1939. March 1.	Also 1939. Jan. 1.
Captains.....	19	27	27	30	30
Lieutenants and Lieutenant-Inspector.....	69	51	70	70	70
Sergeants.....	182	181	185	186	187
Patrolmen.....	1,872	1,841	1,972	1,931	1,936

The following table shows:

1. Assignment to certain duties of police personnel.
2. Number of motorcycles and prowls cars.
  - (a) Letter "S" in table stands for "Sergeants".
  - (b) Letter "P" stands for "Patrolmen".

	(COMMENCING AT 7.45 O'CLOCK A. M.)				Also Sunday, Jan. 1, 1939, Commencing at 7.45 O'Clock A. M.
	(Sunday) Mar. 1, 1936.	(Monday) Mar. 1, 1937.	(Tuesday) Mar. 1, 1938.	(Wednesday) Mar. 1, 1939.	
1. Sergeants and patrolmen assigned to inside duty at station (or unit).	S 34 P 318	S 42 P 342	S 33 P 346	S 31 P 351	S 29 P 353

(c) Figures as to "Sergeants and Patrolmen assigned to inside duty at station (or unit)," include policemen detailed on signal desks, detailed as clerks, officers working on licenses and tag records, garage, hospital, auto maintenance, liquor and ballistics activities, or work of the nature stated.

	(COMMENCING AT 7.45 O'CLOCK A. M.)				Also Sunday, Jan. 1, 1939, Commencing at 7.45 O'Clock A. M.
	(Sunday) Mar. 1, 1936.	(Monday) Mar. 1, 1937.	(Tuesday) Mar. 1, 1938.	(Wednesday) Mar. 1, 1939.	
2. Sergeants and patrolmen assigned to street duty.	S 90 P 614	S 96 P 673	S 111 P 714	S 114 P 751	S 101 P 575
3. Sergeants and patrolmen on street duty assigned to traffic duty.	S 1 P 88	S 9 P 182	S 9 P 173	S 8 P 177	S 2 P 34
4. Sergeants and patrolmen on street traffic duty and stationed at intersections also controlled by traffic lights.	S — P 25	S — P 42	S — P 35	S — P 36	S — P 9
5. Motorcycles (Property Clerk, only, to furnish figures on this inquiry).	37	37	37	35	35
6. So-called "Prowl Cars" (Property Clerk, only, to furnish figures on this inquiry).	68	72	72	69	69
7. Sergeants and patrolmen assigned to duty in "Prowl Cars."	S — P 276	S 3 P 339	S 3 P 329	S 2 P 287	S 2 P 311
8. Sergeants and patrolmen assigned to boats on Harbor Patrol.	S 1 P 7	S 1 P 11	S 1 P 20	S 2 P 21	S 1 P 19

ADDITIONS OF PATROLMEN TO THE FORCE FOR CALENDAR YEARS 1936 TO 1938, INCLUSIVE, AND TO MARCH 1, 1939.

	1936.	1937.	1938.	1939.
Appointments.....	—	201	1	—

CERTAIN POLICE EVENTS SINCE ANALYSIS REPORT OF MAY 24, 1935.

- 1936.**  
 April 16. Special Service Squad, on detail at the Superintendent's Office from January 22, 1936, detached therefrom and established at Police Headquarters, 154 Berkeley street, as a separate unit, designated as the Special Service Squad, under command of a deputy superintendent.  
 May 22. Bureau of Traffic, located at Police Headquarters, abolished.  
 May 22. Office of Inspector of Carriages transferred from Bureau of Traffic to Superintendent's Office, Police Headquarters.  
 May 22. Traffic Division, with quarters at police building, 229 Milk street, city proper, established.
- 1937.**  
 April 2. Division 8, headquarters of the Harbor Police, re-established, with station house at 521 Commercial street, North End district.  
 April 2. Bureau of Operations detached from Superintendent's Office and established at Police Headquarters as a separate unit.  
 Sept. 3. Division 3 re-established; station house on Joy street, near Cambridge street, West End district.
- 1939.**  
 Jan. 11. Office of Supervisor of Cases, located in Police Headquarters, abolished.

In view of the fact, information is furnished herein as to:

"Sergeants and patrolmen on street traffic duty and stationed at intersections also controlled by traffic lights,"

the following information as to where traffic signal units of this city are located, and when they were installed may be of service:

INSTALLATION OF TRAFFIC SIGNAL UNITS.  
 Unit No. 1.

(a) Location.	Date of Installation.
Downtown Section of Boston:	
Washington street, from Broadway to Hanover street.....	July 20, 1930
Summer street, from Washington street to Arch street.....	July 20, 1930
Tremont street, from Broadway to Scollay square.....	July 20, 1930
Broadway, at Shawmut avenue.....	July 20, 1930
Cambridge street, from Scollay square to Staniford street.....	July 20, 1930
At intersection of Beacon street and Park street.....	July 20, 1930
At intersections of Hanover, Richmond and Parmenter streets.....	Sept. 21, 1934
At intersection of Hanover street and Union street.....	July 18, 1935
At intersection of Hanover street and Cross street.....	July 18, 1935

	Location.	Date of Installation.
(b)	Boylston street, at Park square.....	July 20, 1930
(c)	Charles street, from Pinckney to Beacon streets.....	July 23, 1931
Unit No. 2.		
(a)	At intersection of Boylston and Arlington streets.....	July 25, 1930
(b)	Massachusetts avenue, from Beacon street to Tremont street.....	June 21, 1931
(c)	At intersection of Beacon and Arlington streets.....	July 23, 1931
(d)	At intersection of Embankment road and Beacon street.....	July 23, 1931
(e)	At intersections of Tremont, Dartmouth and West Dedbam streets.....	May 29, 1932
(f)	At intersections of Tremont, Dover and Berkeley streets.....	May 29, 1932
(g)	At intersection of Tremont and West Newton streets.....	May 29, 1932
(h)	Massachusetts avenue, from Shawmut avenue to Southampton street.....	May 29, 1932
(i)	That part of Commonwealth avenue between Arlington street and Charlesgate West (including an isolated signal taken over from the Boston Police Department at Massachusetts avenue and Commonwealth avenue.....	Dec. 4, 1932
(j)	Commonwealth avenue, at Deerfield and Beacon streets and Brookline avenue.....	Jan. 16, 1933
(k)	Commonwealth avenue, at Kenmore street.....	Jan. 16, 1933
(l)	At intersection of Columbus avenue, Columbus square and West Newton street.....	Aug. 16, 1933
(m)	Columbus avenue, at intersections of Dartmouth and Chandler streets.....	Feb. 4, 1936
(n)	Beacon street, at intersections of Berkeley, Clarendon and Dartmouth streets.....	June 3, 1936
(o)	Beacon street, at intersections of Exeter, Fairfield, Gloucester and Hereford streets..	Oct. 5, 1936

It is hoped that this furnishes the information which is desired.

Very truly yours,

JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

#### EUSTIS PLAYGROUND IMPROVEMENTS.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of April 17, 1939, concerning the resurfacing the William Eustis Playground and to make the necessary repairs to the locker house and showers.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, May 11, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have a memorandum of May 8, with inclosure, order from the City Council that the Park Commission take immediate steps to resurface the William Eustis Playground and to make the necessary repairs to the locker house and showers.

I regret exceedingly to inform you that I have no available funds for this purpose. The best I can do is to roll the surface of the playground area.

If it is possible for our men to make the necessary repairs to lockers and showers, they will be cared for just as soon as possible. If there is any expense attached to the job, I will not be able to go very far.

Very respectfully yours,  
WILLIAM P. LONG, Charman.

Placed on file.

#### FRANKLIN PARK BASEBALL DIAMONDS.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of April 24, 1939, concerning a proposed W. P. A. project to construct baseball diamonds in Franklin Park.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, May 10, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I am in receipt of your memorandum and inclosure from the City

Council ordering the Park Department to construct baseball diamonds in Franklin Park.

A project for this purpose was partially completed in 1938. Four diamonds were rebuilt.

A supplementary project is now on its way and as soon as possible after this project is accepted it will be started and completed.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### BUS SERVICE ON WELD STREET.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway Company relative to your order of April 24, 1939, concerning the operation of buses on the Weld street line on Sundays and holidays.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

Boston Elevated Railway,  
May 12, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—Consideration has been given to order of the City Council received with your letter of May 8 relative to Sunday and holiday service on the bus line operated between Roslindale square and Weld and Maple streets, West Roxbury.

We are at the present time operating Sunday service from Maple street, through Weld street, to Centre street, and through Centre street to the Holy Name Church, the trips being scheduled to leave Maple street at 7.15 a. m. and every hour until 12.15 noon. This service meets the requirements of patrons desiring to attend church services, and our operating officials do not feel that at the present time additional Sunday or holiday service would be self-supporting.

In view of the fact that revenue at the present time is not sufficient to meet the cost of service, the trustees are extremely reluctant to authorize operation of additional service which would increase the deficit.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

**"STOP" SIGNS, CENTRE AND SOUTH STREETS.**

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of April 17, 1939, concerning the installation of "Stop" signs at the junction of Centre and South streets, West Roxbury.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Traffic Commission, May 11, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated April 17, 1939, which reads as follows:

"Ordered, That the Traffic Commission be requested, through his Honor the Mayor, to install "Stop" signs at the junction of Centre and South streets, West Roxbury."

This location is comprised of the intersection of Centre street, Church street and South street.

We assume that the Council order intends the installation of "Stop" signs in South street, at Centre street, to govern South street traffic entering the intersection. Because of the peculiar layout of the intersection it would be necessary to erect such a sign at a point so far back of the desired stopping point that it could not be effective.

Accurate observations made by this department show that only about 30 per cent of motorists obey "Stop" signs. It is our opinion that the percentage which would obey a sign erected at this location would be much less and that a more dangerous condition than exists at present would be created, because Centre street traffic would assume that all traffic entering the area from South street would stop before entering.

This location is on a list where this commission has recommended the installation of automatic traffic signals when funds are made available for the purpose.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

**DISTRIBUTION OF BUTTER.**

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Welfare Department's Executive Director relative to your orders of April 3, 1939, and April 17, 1939, concerning the matter of the distribution of butter, through the Surplus Commodities Division.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Overseers of the Public Welfare,  
May 9, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.  
Attention of William J. Doyle.

Dear Sir,—This department has received your communications of April 10 and April 20 with inclosed City Council orders dated April 3, 1939, and April 17, 1939, reading as follows:

"Ordered, That his Honor the Mayor be requested to contact the proper W. P. A. officials in Washington in an effort to have butter, which was on the commodity list up to last August, distributed to W. P. A. workers and welfare recipients in Boston who have commodity cards."

"Ordered, That his Honor the Mayor be requested to take up with the W. P. A. authorities the matter of providing for the immediate distribution of butter, through the Surplus Commodities Division, to persons re-

ceiving welfare aid and also those who are working on the W. P. A., so that they may receive the same benefits as those persons in similar circumstances who reside outside of the City of Boston."

May I state that the Board of Overseers of the Public Welfare have approved the processing cost for the distribution of butter and his Honor the Mayor has also approved it. We shall immediately advise the Surplus Commodities Division to that effect and I do trust that butter distribution according to the need of individuals or families will be begun at a very early date.

Sincerely yours,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

**SULLIVAN PLAYGROUND IMPROVEMENTS.**

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of April 17, 1939, concerning the resurfacing of the J. M. and J. J. Sullivan Playground and to install swings and other equipment for the enjoyment of the children.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, May 10, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have memorandum with inclosure, order from the City Council that the Park Department be requested to resurface the J. M. and J. J. Sullivan Playground, etc. This project has been accepted by the Government and the funds have been allotted for same but it cannot be started due to the shortage of W. P. A. man power. This is one of twenty-five projects approved that cannot be started.

Respectfully,  
WILLIAM P. LONG, Chairman.  
Placed on file.

**TRAFFIC SIGNALS, JAMAICA PLAIN.**

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of April 17, 1939, concerning the installation of automatic traffic signals at the junction of South Huntington avenue and Perkins street, Jamaica Plain.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Traffic Commission, May 11, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated April 17, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install automatic traffic signals at the junction of South Huntington avenue and Perkins street, Jamaica Plain."

We believe that it would be desirable to install an automatic traffic signal in the intersection of Perkins street and South Huntington avenue if funds were available for the purpose.

We have a preliminary plan for the installation of a signal at this location which was prepared several years ago.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.  
Placed on file.

## LA ROSE PLACE, WARD 21.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Acting Secretary of the Board of Street Commissioners relative to the laying out and constructing of La Rose place, Ward 21, as a public way.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Street Laying-Out Department,  
May 9, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your communication of May 8, regarding La Rose place, Ward 21, please be advised that this street was laid out and ordered constructed under date of December 12, 1938.

Very truly yours,  
ELIZABETH A. CLAYTON,  
Acting Secretary.

Placed on file.

## ARC LIGHTS, FALLON FIELD.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of April 24, 1939, concerning the installation of arc lights on Fallon Field, Roslindale, from the Belgrade avenue end to Robert street.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, May 10, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I am in receipt of a memorandum from the City Council, that the Park Commission be requested to install arc lights on Fallon Field, Ward 20, from Belgrade avenue to the South street side.

Under date of April 22, 1938, I submitted a report that it would cost \$2,500 to install said lights, and the maintenance cost would be in the vicinity of \$226.50 for a year, and that it would be necessary to insert the above-mentioned amounts in the budget.

I regret to inform you that the department has no funds available at the present time.

Respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

## DUMPING ON VACANT LOTS.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Health Commissioner relative to your order of May 1, 1939, concerning the dumping of garbage and refuse on vacant lots, whether owned by the City of Boston or by private individuals.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Health Department, May 11, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—We have your memorandum of May 8, 1939, transmitting for our consideration and report, City Council order of May 1, 1939:

"Ordered, That the Health Commissioner be requested, through his Honor the Mayor, to take whatever steps may be necessary to prevent the dumping of garbage and refuse on vacant lots, whether owned by the City of

Boston or by private individuals, where such dumping is a nuisance to residents of the neighborhood and a menace to the health of the community."

The Health Department is doing everything possible to discourage the practice of illegal dumping of refuse on vacant lots throughout the city.

In general, it may be said that such dumping is done at night or at other times when the lots are not under observation by inspectors or by the police.

Lacking evidence as to who places the refuse on vacant lots, it becomes necessary to require the owners of the vacant lots to remove the rubbish and clean the premises.

As might be expected, property owners object strenuously to removing refuse placed by trespassers on the land, and it takes time and persuasion to have the vacant lands cleaned.

We get some cooperation from the Police Department but it might have weight with the Police Commissioner if the City Council formally asked the cooperation of the Police Department in apprehending persons committing the nuisance.

The Health Department will continue to do everything in its power to have these lots maintained in a satisfactory condition.

Respectfully,  
H. F. R. WATTS, M. D.,  
Health Commissioner.

Placed on file.

## CONDITIONING OF PARKS FOR BASEBALL.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of April 24, 1939, concerning the immediate placing in suitable condition for the baseball season the following parks and playgrounds in Ward 1, which are now in very bad condition: World War Memorial Park, Noyes Playground, Amerena Park, American Legion Park.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, May 10, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have a memorandum from the Mayor's office dated May 8, with inclosure, order from the City Council that the Park Department place immediately in a suitable condition for the baseball season, certain playgrounds in East Boston. These playgrounds have been placed in as good condition as it is possible for our reduced forces to do.

The playgrounds have all been rolled and were in readiness for the baseball season opening, May 8.

Very respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

## MATRON ON MARY DRAPER PLAYGROUND.

The following was received:

City of Boston,  
Office of the Mayor, May 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of April 24, 1939, concerning the placing of a matron on the Mary Draper Playground, West Roxbury, during the summer season.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston.

Park Department, May 10, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have memorandum of May 8, with inclosure, order from the City Council requesting the Park Department to place a matron on the Mary Draper Playground, West Roxbury, during the summer season.

I regret exceedingly to inform you that this playground with many others will be without the services of matrons due to the lack of finances.

Respectfully,

WILLIAM P. LONG, Chairman.

Placed on file.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Violet J. Adami, for compensation for injuries caused by an alleged defect in South street footway.

Sylvia Berman, for compensation for injuries caused by an alleged defect in Boylston street.

John C. Colby, for compensation for damage to car by ambulance.

Albert L. Edeson, to be reimbursed for judgment issued against him.

William A. Fox, to be reimbursed for judgment issued against him.

Leshner & Sons, Inc., for compensation for damage to property by city truck.

J. A. MacPherson, for compensation for damage to car by city truck.

Joseph P. Maguire, for compensation for damage to car caused by an alleged defect in Prince street, Jamaica Plain.

Cornelius F. Mabonev, to be reimbursed for judgment issued against him.

Salvatore R. Manduca, for compensation for damage to car caused by an alleged defect in Strandway.

Anne E. McCarthy, for compensation for injuries caused by an alleged defect in West Newton street.

Mary M. Reardon, for compensation for injuries caused by contents of city machine falling on her.

Max Segal, for compensation for damage to car by snow removal truck.

Ruth Winokur, for compensation for damage to car by steam shovel.

Committee on Ordinances.

Petitions for driveway openings were received from the following:

White Tower Management, Inc., 10-14 Brookline avenue.

Superior Realty, Inc., West Third and Athens streets, Ward 6.

Executive.

Petition of Theresa McLaughlin, to be paid annuity on account of death of her husband, Bernard P. McLaughlin, late member of Fire Department.

Petitions for children under fifteen years of age to appear at places of public amusement:

Marie Kehoe, Jordan, Hall, June 8.

Davenport School of the Dance, Jordan Hall, May 26.

Kay A. McDermott, Jordan Hall, June 2.

Violet K. Breiding, Jordan Hall, June 7.

Orin F. Gallagher, Mechanics Hall, May 24.

A. Marie Govone, Jordan Hall, May 24.

James A. Ecker, Jordan Hall, May 29.

Massachusetts Girl Scouts, Inc., Boston Garden, May 20.

Frances Barber, Williams Hall, May 13.

Shirley Norris Scott, Recital Hall, June 12.

#### CONSTABLES' BONDS.

The following constables' bonds were received, having been duly approved by the City Treasurer, and they were approved by the City Council, viz.:

Henry Atwood, Samuel C. W. Baker, Milton J. Bronstein, Francis E. Brown, Daniel B. Carmody, William K. Coburn, Henry G. Dahlquist, Charles M. Daley, Morris Glick, Salvatore Grassa, Anthony Luongo, Isie Martin, Philip S. Phillips, Max Rabinovitz, Frank Shaw, Joseph Todisco, Joseph M. Torr, Harry A. Webber, Maurice Zeeman.

#### NOTICE OF INTEREST IN CONTRACT.

Notice was received from Mary W. Cauley, Director of Household Science and Arts, that she is author of book, "The Science and Art of Homemaking," authorized as text-book for Grade VII by School Committee.

Placed on file.

#### RESIGNATION OF ALFRED N. SARNO AS CONSTABLE.

Notice was received of resignation of Alfred N. Sarno as constable.

Placed on file.

#### MILITIA ENROLMENT.

Notice was received from the Board of Election Commissioners that according to police listing returns of January 1, 1939, there are in city 144,290 males liable to enrolment for military service.

Placed on file.

#### ABSENCE OF MAYOR FROM CITY.

Notice was received from the Mayor of his absence from the city from May 3 to May 5, and on May 8.

Placed on file.

#### APPOINTMENTS BY THE MAYOR.

Notice was received from the Mayor of the following appointments:

Louis E. Kirstein, 333 Commonwealth avenue, trustee of Public Library, for term ending April 30, 1944.

Dr. Roger T. Doyle, 1550 Tremont street, Roxbury, to be trustee of Boston City Hospital, for term ending April 30, 1941.

George A. Parker, 71 Mt. Vernon street, to be trustee of Boston City Hospital, for term ending April 30, 1944.

Stuart C. Rand, 88 Chestnut street, to be trustee of Boston City Hospital, for term ending April 30, 1943.

Daniel P. McGillicuddy, 22 Francis street, Roxbury, to be member of Transit Department, for term ending April 30, 1942.

Severally placed on file.

#### ORGANIZATION OF LIBRARY TRUSTEES.

Notice was received from trustees of Public Library of election of following officers for year:

Robert H. Lord, president; Frank W. Buxton, vice president; Elizabeth B. Brockunier, clerk.

Placed on file.

#### REPORT RE AMERICAN LEGION HIGHWAY.

The following was received:

City of Boston,  
Finance Commission, May 12, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Honorable Sir,—Public announcement has recently been made that the City Public Works

Department has decided upon an expensive redecoration job on the American Legion Highway in Dorchester. The cost of the project contemplated might run up to \$75,000 or even higher. From the facts obtained it is the opinion of the Finance Commission that it would constitute an unwarranted waste of public funds.

This highway, opened to traffic only seven years ago and built at state expense, is now the care of the City of Boston. It consists of two roadways beginning at Blue Hill avenue and extending, in part, between Franklin Park and the property of the women's section of the Boston State Hospital; then through the swamp land adjoining the men's section of the Boston State Hospital and alongside the Forest Hills Cemetery; and then through a sparsely settled section, most of which is in process of being filled, alongside the Mount Hope Cemetery to the Cummins Highway in Rosindale. There are few houses on the highway, and of these some are grouped at the Blue Hill avenue end and the remainder at the Rosindale end. The length of the highway is almost two miles.

When the highway was built a strip in the center for its entire length, approximately 20 feet wide, was loamed and grassed. Sometimes the grass is cut and sometimes it is not. As might be expected, often its appearance is unsightly and unkempt. Hence, the Public Works Department has given considerable thought to it and the present project is the result.

This grassed area is inclosed by a curbing for about one half its length. The cost of purchase and hauling of loam for it was not a small item. Later it was decorated by the Boston Park Department by the planting of two rows of trees, spaced about 25 feet apart, for its entire length.

The change now proposed, as conceived by the Department of Public Works, is based, in part, upon a desire to obtain a better vista when looking along the highway, but, incidentally, to save the necessity for cutting the grass. It is proposed to excavate the loam and to replace it with concrete slabs of varied colors, fabricated particularly for this job, and intended to produce a rainbow-like effect when viewed from either end of the two-mile highway. It has been figured that it will require 178,000 concrete slabs.

It is proposed to make the job a W. P. A. project. As such the labor involved would be paid for by the Federal Government. Materials and equipment must, however, be furnished at city expense.

The loam to be taken out might be salvaged. The cost of the excavation and carting of the material to some other location would be a substantial item. Now to take out the trees which were planted a few years ago, at a cost of \$20 per tree, would probably destroy them unless they are taken out with great care. Such care would entail considerable expense.

To allow the trees to remain and to provide protection for them is being considered as an alternative. It is said by horticultural experts that the continued life of the trees under such circumstances is doubtful, unless the city planned to keep them well, and regularly, watered during each growing season.

If the trees remain and they continue to grow, their very growth would conceal the fine vista expected of the varied-color concrete slabs. There would remain, however, the saving of the expense of cutting the grass; but the watering job would cost many times the cost of the grass cutting.

There are now two sidewalks on the highway. Except for the sections where there are houses, which are practically the opposite ends of the highway, there is little use made of the sidewalks. One of the outstanding sights along the highway is the mammoth piggery of the Boston State Hospital located along one side.

The roadways do not have a continuous flow of motor traffic. At morning and at night much use is made of it by motorists to and from Blue Hill avenue and Cummins Highway. During the major portion of the day traffic is

very light. A great many, therefore, would not enjoy the rainbow vista unless a special trip for that purpose was made.

The cost of such a project, if executed at the minimum city expense, would be around \$75,000. This price is based on necessary excavation and backfill, foundation and sidewalk construction, and necessary curbing to support the concrete slabs on the roadway sides. The cost of fabricating special slabs as proposed would be more than the cost of laying ordinary sidewalk.

#### Conclusion.

The Finance Commission believes that there is no justification for this particular project, regardless of where the money comes from. If \$75,000 is so easily obtainable, it would seem that it would be better to use the money for repairing streets or building sidewalks on habited streets which are now without them.

Varied-color concrete slabs might appeal to some people. The Finance Commission believes a well-kept lawned area is preferable to most people. All that is needed on this highway to provide a well-kept lawned area is the regular assignment of one or two men to keep the grass cut. It should not be necessary to add anything to present city expense to obtain this improvement.

The commission recommends that you decline to give your approval to the project.

Respectfully submitted,

DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCOLPONETTI,  
JAMES H. FLANAGAN,  
The Finance Commission.

Placed on file.

#### SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in City of Boston for month of May.

Report accepted; said order passed.

#### CONFIRMATION OF CONSTABLES.

Coun. ROSENBERG, for the Committee on Constables, called up No. 1 on the calendar, under unfinished business, viz.:

1. Action on appointments submitted by the Mayor April 17, 1939, of Constables authorized to serve civil process upon filing bonds, viz.: John J. Dillon, John A. May, Almerindo Sarno, Frederick J. Sarno.

On motion of Coun. ROSENBERG the Council considered the appointment of Almerindo Sarno, and the question came on the confirmation of said appointment. Committee, Coun. Agnew and Lyons. Whole number of ballots 13, yes 7, no 6, and the appointment was confirmed.

#### CHANGE OF FREE MILK DELIVERY STATION.

Coun. IRWIN offered the following:

Ordered, That his Honor the Mayor request the Director of the Public Welfare Department to change the free milk delivery station from Meridian street, East Boston, to a less conspicuous location.

Passed under suspension of the rule.

#### SHUTTING OFF WATER.

Coun. FISH offered the following:

Ordered, That the Public Works Commissioner, through his Honor the Mayor, be instructed under no condition to shut off or diminish the supply of water on residential properties of owners who are receiving welfare or Old Age Assistance or who may be employed on W. P. A. projects.

Passed under suspension of the rule.



### RECONSTRUCTION OF WEST END CHURCH.

Coun. FITZGERALD offered the following:

Ordered, That his Honor the Mayor direct the Superintendent of Public Buildings to engage a qualified architect to supervise the reconstruction of the historical West End Church now used as a Branch Library in the West End of Boston.

Passed under suspension of the rule.

### OFFICERS OF BOSTON TAXPAYERS' ALLIANCE.

Coun. TAYLOR offered the following:

Ordered, That the Committee on Appropriations be requested to obtain a list of the officers, and their residences, of the Boston Taxpayers' Alliance.

The question came on the passage of the order.

Coun. TAYLOR—Mr. President, I think this information would be worth having in view of the fact that the committee will shortly hold its public hearing on the budget, and in view of the fact that the Taxpayers' Alliance will no doubt make all sorts of recommendations to the committee. From information which has come to me from authentic sources I am informed that at the recent meeting of the alliance, at which officers were chosen, none of the officers so chosen were even present at the meeting. In other words, a slate of officers was made up by somebody behind the scenes and voted upon at a meeting at which only a dozen persons were present. I think we should know these things, in order that we may judge what consideration to give any proposals made by this organization. Of course, we know that Mr. Loeffler, who gets \$6,500 per year from the Municipal Research Bureau, is one of the guiding lights behind this new group. But there are others in this group who have more than just a burning interest in the taxpayers and who receive rather generous salaries from the Taxpayers' Alliance. A Mr. Dempsey, who by the way comes from Newton, receives \$100 per week. Mr. Paul Hines, publicity man, receives \$75 per week. What others may receive I do not know, but I do know that a Mr. O'Malley, who is active in the organization also, comes from Newton, which, so far as I know, is not a part of Boston, and Mrs. Hannah Connors, also very active in this group, comes from Milton, which rather turns up its nose at Boston. Now, Mr. President, I have no great objection to the existence of this organization, and if it is sincere in its aims and purposes none of us has a right to criticize. However, here we have an organization which is dominated and controlled by a very few persons, some paid, and some who live outside our city, whose chief object seems to be to make all city employees take a salary cut. I cannot help but wonder sometimes if these types of organizations are not conceived in the mind of a few persons who want to get on a pay roll and don't care what damage they might do to others as long as they do get on a pay roll. Take the Massachusetts Taxpayers' Association, the group that is demanding great economies in the state government. I am told that the director of the association receives \$11,000 per year—not a bad salary. Another person, the counsel for the group, gets \$6,000 per year; another gets \$5,000 per year and one or two others get substantial salaries. I think the general public who contribute to these kinds of organizations should have some knowledge of who the controlling spirits are behind the organizations, and what, if any, salaries they receive. If the City Council of Boston is going to listen to groups such as these, we have a right to know something more about them than merely the name of the organization. For one, I don't propose to be stampeded into taking action by persons

who seem to me to have simply a selfish interest in this whole subject of economy. I don't believe in taking advantage of human misery and it sometimes seems to me that just such a thing happens in some of these organizations. Let's get all the information we can about the Boston Taxpayers' Alliance before we permit them to come before us and tell us our duty and obligations—which we all know and which we are all trying to meet.

Coun. CAREY—Mr. President, I might say for the benefit of the councilor from Dorchester that, as a member of the Appropriations Committee, I was going to make it my duty at the public hearing, to which the members of the Taxpayers' Alliance have been invited, to find out where they come from and what sums they receive on the pay roll of that organization and the various organizations that they represent. It is my information, too, that they come from such places as Danvers, Milton, Newton, Wellesley, Cambridge and Brookline, and I am sure that if they want to come down here and be as frank with the members of the Boston City Council as they want the members of the Boston City Council to be with them, we will not have any difficulty in finding where they come from and how much they get to be here.

Coun. HUTCHINSON—Mr. President, I would like to make an amendment, that we also find out who is financing the organization, where they are getting their money.

Chairman WILSON—The amendment is out of order in that form.

Coun. GALVIN—Mr. President, I have an order before me that I was going to submit relative to getting information from the Board of Assessors, which will hook up with that order. I have the figures from 1934 to 1938 of the abatements that have taken place in the City of Boston, plus the amount of building that has been constructed in the City of Boston. I find that this group is pulling at the heartstrings and the purses of the small property owners, trying to induce them to prevail upon us to cut the wages of not only the high salaried employees of the City of Boston but also the low salaried employees. I find that in the year 1934 we had real estate assessments of \$1,554,671,200, and in 1938 we had assessments of \$1,438,589,900. There has been an abatement of \$117,000,000-odd, which is 10 per cent of the assessed valuation in the City of Boston. I find, Mr. President, that there is approximately about a 10 per cent abatement through the back door, as you might call it. The big real estate operators in the City of Boston are calling upon the small taxpayer to get out and make this big hullabaloo while they are going in the back door. I believe that it would amount to approximately \$3 or \$3.50 in our tax rate if large tax abatements in the City of Boston were stopped, and then we would have a fair and honest tax rate.

Coun. HUTCHINSON—Mr. President, for my information, why was my amendment out of order?

Chairman WILSON—The amendment would have to be presented in specific words, and I assume should be submitted in writing.

Coun. HUTCHINSON—I will submit it in writing.

Coun. TAYLOR—I have no objection.

Chairman WILSON—The order is referred to the Committee on Appropriations.

Coun. TAYLOR—Mr. President, I would like to have that order referred to the Executive Committee rather than to the Committee on Appropriations.

Chairman WILSON—If there is no objection, the order will be referred to the Executive Committee rather than to the Committee on Appropriations, to whom the order was directed.

Later in the session Coun. HUTCHINSON offered the following:

Ordered, That Coun. Taylor's order be amended to include the source of the money used to finance the Taxpayers' Alliance.

Chairman WILSON stated that the amendment would be referred to the Executive Committee, inasmuch as the original order offered by Coun. Taylor is now before that committee; and that Coun. Hutchinson could move any amendment he wished in Executive Committee.

**GRASS PLOT, AMERICAN LEGION HIGHWAY.**

Coun. ROSENBERG offered the following:

Ordered, That the Park Commissioner and the Commissioner of Public Works be requested, through his Honor the Mayor, to have men regularly assigned to keep the grass plot in the center of the American Legion Highway in perfect condition in order to prevent the growth of ragweed, which is detrimental to health, particularly of those persons who are subject to hay fever and asthma, and also in view of its close proximity to the state institution.

Coun. ROSENBERG—Mr. President, recently the Finance Commission of the City of Boston issued a statement in which they criticized the proposed project of taking out the grass plots in the center of the American Legion Highway and supplanting them with slag. I understand on information that the Public Works Commissioner has no intention of removing the grass plots in the center of the roadway on the American Legion Highway. Almost every year the weeds are allowed to grow to such height that the ragweed in these grass plots is detrimental to the health of the residents of the community, particularly to those persons suffering from asthma and hay fever, and I feel that, thus early in the season, with the cooperation of the Public Works Commissioner and the Park Department, notification now being given to them, they might regularly assign men to take care of the grass plots in order to protect the health of the residents of that particular district.

The order was passed under suspension of the rule.

**APPROPRIATION FOR STREETS.**

Coun. CAREY offered the following:

Ordered, That, as authorized by the provisions of chapter two of the Acts of nineteen hundred and thirty-nine, from the sum of one million, one hundred ninety-four thousand three hundred (1,194,300) dollars, being the unexpended balance of funds distributed to the City of Boston under the provisions of chapter five hundred of the Acts of nineteen hundred and thirty-eight, the sum of three hundred and ninety-four thousand, three hundred dollars (\$394,300) be, and hereby is, appropriated for construction, reconstruction, maintenance and repair of roads, streets and highways other than state highways, surface drainage, sidewalks, curbs and bridges, whether such work be ordinary or otherwise, said sum to be expended under the direction of the Commissioner of Public Works as follows:

Snow Removal.....	\$369,300
Reconstruction of Streets.....	25,000
	<hr/>
	\$394,300

Coun. CAREY—Mr. President, the purpose of that order is simply to give authority to the City Auditor to pay the amounts set forth in the order for the purposes specified, which is in accordance with the authorization contained in chapter 2 of the Acts of 1939.

The order was referred to the Executive Committee.

Coun. FITZGERALD—Was that referred to the Executive Committee, Mr. President?

Chairman WILSON—Yes, sir.

Coun. FITZGERALD—I would like to ask the councillor if that act was passed by the Legislature, giving cities and towns the money to hire laborers.

Chairman WILSON—The Chair assumes, councillor, that that was the act that was passed by last year's Legislature for work and wages, before the close of the 1938 session, and which, as the result of an act signed the 2d of February, is permitted now to be used for streets, one year later.

**DATA RE CITY YARDS.**

Coun. CHASE, for Coun. Wilson, offered the following:

Ordered, That the Commissioner of Public Works, through his Honor the Mayor, be requested, promptly, to advise the City Council the number and location of all city yards now in use at the present time.

Passed under suspension of the rule.

**DEMOLITION OF ATLANTIC AVENUE STRUCTURE.**

Coun. CHASE, for Coun. Wilson, offered the following:

Ordered, That the Building Commissioner be requested, through his Honor the Mayor, to comply with the request contained in City Council orders of March 6 and April 24, 1939, with reference to condemnation and demolition of the Atlantic avenue structure of the Boston Elevated Railway Company, which was abandoned in October, 1938.

Referred to Executive Committee, with a request that the Building Commissioner be sent for.

**PLEBISCITE ON HOUSING PROJECTS.**

Coun. CHASE, for Coun. Wilson, offered the following:

Ordered, That his Honor the Mayor be requested at this year's city election to provide for a plebiscite or referendum which will permit the voters of Boston to express their approval or disapproval of either an extension of Federal low rent housing in Boston or carrying out the proposed ten-year plan which the Housing Authority has informed the Council will finally house no less than 35,000 Boston families following an expenditure of \$191,000,000.

Referred, on motion of Coun. TAYLOR, to the Executive Committee.

**BASEBALL DIAMOND, CHARLESBANK PARK.**

Coun. FITZGERALD offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to place the baseball diamond at the Charlesbank Park in suitable condition for the use of the children using the park.

Passed under suspension of the rule.

**WIRE FENCE, STELLMAN ROAD.**

Coun. LANGAN offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to erect a wire fence on the Healey Field side of Stellman road in order that the property of residents might be protected from damage from batted or thrown balls.

Passed under suspension of the rule.

**REPORT OF COMMITTEE ON ORDINANCES.**

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition of General Baking Company (referred April 17) for driveway opening at Ferrin street, Ward 2—that leave be granted.

Report accepted; leave granted on usual conditions.

2. Report on petition of Home Savings Bank (referred May 8) for driveway opening at 419 Columbus avenue, Ward 5—that leave be granted.

Report accepted; leave granted on usual conditions.

#### RECESS.

The Council voted at 2.45 p. m., on motion of Coun. KELLY, to take a recess subject to the call of the Chair. The members re-assembled at 4.43 p. m., Coun. WILSON in the chair.

#### EXECUTIVE COMMITTEE REPORTS.

Chairman WILSON, for the Executive Committee, submitted the following:

1. Report on message from Mayor and order (referred today) for transfer to Loew's, Inc., of piece of land on Winchester street—that same ought to pass.

Report accepted; said order passed, yeas 15, nays 0.

2. Report on order (referred today) that \$394,300 be appropriated for construction, maintenance and repairs of streets, etc.—that same ought to pass.

The report was accepted, and the order was passed, yeas 17, nays 0.

3. Report on order (referred today) that plebiscite or referendum be provided at this year's city election on extension of Federal low rent housing in Boston—that same ought to pass.

The report was accepted, and the question came on the passage of the order.

Coun. GALVIN—Mr. President, speaking to this particular order requesting the Mayor to hold a plebiscite, we have before us an order at the present time relative to a ten-year program on Federal housing. If we pass this order and put it before the people for them to decide upon, I believe we will be delaying action on the proposed ten-year program on Federal housing. I feel that this order at the present time would simply add to the confusion regarding the matter, and I therefore shall vote against it.

Coun. IRWIN—Mr. President, I firmly believe that we should not pass this order before we at least request the opinion of the Corporation Counsel as to whether the Council has a right to place a question of this kind on the official ballot. I think it could very well be held up a short time. I believe the Corporation Counsel is going to be here next week, and we can then ask his opinion.

Coun. NORTON—Mr. President, I think that is a very clever suggestion, and one we have been groping around for. If we pass this order today it will give the enemies of slum clearance and the Council the opportunity to say to every one who comes in with a proposition, "Wait until the people decide next November." No one can have any objection to a public plebiscite on this matter. No one can ordinarily have any objection to the public deciding any public question where their money is involved. But in this particular instance, time is of the essence. It may be that by November all the public money will have been spent. Therefore, Mr. Chairman, I feel that we should pass this order at the present time and vote to request the Corporation Counsel to give us an opinion.

Chairman WILSON—Will the gentleman yield for just one question?

Coun. NORTON—Yes, sir.

Chairman WILSON—I am wondering if the gentleman thinks it would be of any value to have a plebiscite after the Council has amended our cooperation agreement with the Government so that we may go into such figures in an unlimited way, and after we have bound ourselves to a ten-year program aggregating \$191,000,000? What would be the advantage of a plebiscite after the horse is out of the barn?

Coun. NORTON—Mr. President, I can only answer that by saying, if we are to have a plebiscite in November, after the Federal Government money has been dispensed, of what use is the plebiscite?

Coun. CAREY—Mr. President, for my information, do I understand that Councilor Irwin moved that the matter be laid on the table?

Chairman WILSON—No such motion has been made.

Coun. NORTON—Mr. President, I second the suggestion of Councilor Irwin, that it go to the Corporation Counsel for his decision as to whether this Body has the right, or the Mayor has the right, to place such a matter on the ballot.

Chairman WILSON—Is there a motion that it lie on the table pending conference with the Corporation Counsel?

Coun. GALVIN—I make that motion.

The order was laid on the table.

4. Report on order (referred today) requesting Committee on Appropriations to obtain list of officers, and their residences, of the Boston Taxpayers' Alliance—recommending passage of accompanying new draft, viz.:

Ordered, That the Committee on Appropriations be requested to obtain a list of the officers, and their residences, of the Boston Taxpayers' Alliance, and that the committee also be requested to inquire as to the source of money being used to finance the Taxpayers' Alliance.

The report was accepted, and the question came on the passage of the order in the new draft.

Coun. ROSENBERG—Mr. President, with reference to this order, I would like to state that I do not believe it is advisable at this time to pass this particular order. I believe that the Committee on Appropriations, which is going to hold a public meeting, may ask such questions of those people who come before us,—if they are members of the Taxpayers' Alliance, or members of the Real Estate Exchange. If they are persons who are holding and owning property in the City of Boston, whether they live here or live outside of the city, I think that the members of the Committee on Appropriations and the members of the Council, when present at this public hearing, can make such requests, and such questions can be asked by them without having certain specific questions put by us at this time. If we are going to pass this order, I believe that we ought to have every question that is to be asked of every person who comes before us set out in stereotyped form. I think that the members of the Council are alert enough and capable enough to prepare such questions as they may deem advisable to ask of those persons appearing before us. The public meeting, as I understand it, is for the purpose of permitting the taxpayers in residential Boston to come in and offer certain suggestions to the Committee on Appropriations as to how we may cut the budget, and their suggestions, if helpful, will be welcome. If their suggestions are not helpful they will be acted upon accordingly by the committee. I ask that this motion be defeated.

Coun. TAYLOR—Mr. President, I believe that the people of Boston have been bamboozled long enough by various organizations that set themselves up as paramount as far as the interests of the people are concerned. If they are honest and legitimate people they will not hesitate to tell us who they are; if they are insincere and dishonest, then they won't tell us who they are. I think we have a perfect right to know who these individuals who speak to us are as the prime movers for something which they know in their hearts simply cannot be done by the City Council, and if they are willing to allow us to know who they are they will not be hurt, at least by our questions. If they are insincere they will refuse to reveal their identity. I don't see why the Council is afraid to know who is in back of this organization.

Coun. CHASE—Mr. President, as chairman of the Committee on Appropriations I do not believe it is necessary for the committee to be arguing such questions at this time. When

the taxpayers appear at our public hearing I assume we will be given the opportunity to ask any question that we deem fit. Personally, I think it is a matter which comes within the jurisdiction of the Committee on Appropriations to ask such questions when the people appear. I feel that the proper time would be at the time when we hold the hearing, then asking any question which may have some bearing on the budget.

Coun. NORTON—Mr. President, I believe that any organization, no matter who they may be, should have a perfect right to come in before the Council or a Council committee. I do not believe that members of the Council, or of any particular Council committee, should set themselves up as a vigilante organization. We are dealing with the most important thing coming before us, our city's budget, and anyone who comes in should be heard, whether they come from Boston or from outside.

The question came on the passage of the order. The order was declared passed. Coun. NORTON doubted the vote and asked for the yeas and nays. The roll was called and the order was rejected, yeas 6, nays 11:

Yeas—Coun. Carey, Englert, Galvin, Hutchinson, Lyons, Taylor—6.

Nays—Coun. Chase, Fish, Irwin, Kelly, Langan, McMahon, Norton, Rosenberg, Shattuck, Sullivan, Wilson—11.

5. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusement:

Marie Kehoe, Jordan Hall, June 8; Davenport School of the Dance, Jordan Hall, May 26; Kay A. McDermott, Jordan Hall, June 2; Violet K. Breidinz, Jordan Hall, June 7; Orin F. Gallagher, Mechanics Hall, May 24; A. Marie Govone, Jordan Hall, May 24; James A. Ecker, Jordan Hall, May 29; Massachusetts Girl Scouts, Inc., Boston Garden, May 20; Frances Barber, Williams Hall, May 18; Shirley Norris Scott, Recital Hall, June 12,—recommending that leave be granted under usual conditions.

Report accepted; leave granted on usual conditions.

#### SURVEY OF ARBORETUM HEIGHTS, WARD 19.

Coun. LANGAN offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a survey of the Arboretum Heights section of Ward 19 with a view to resurfacing all streets in this section which may require same.

Passed under suspension of the rule.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

1. Report on petition of John J. Doyle (referred April 17) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor apparatus belonging to Fire Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one thousand (\$1,000) be allowed and paid to John J. Doyle in reimbursement for amount of execution issued against him on account of his acts as operator of motor apparatus belonging to the Fire Department, said sum to be charged to the Contingent Fund.

Report on petition of John J. Doyle (referred April 17) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor apparatus belonging to Fire Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of two hundred and fifty dollars (\$250) be allowed and paid to John J. Doyle in reimbursement for amount of execution issued against him on account

of his acts as operator of motor apparatus belonging to the Fire Department, said sum to be charged to the Contingent Fund.

Report on petition of John J. Doyle (referred April 17) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor apparatus belonging to Fire Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of two hundred and fifty dollars (\$250) be allowed and paid to John J. Doyle in reimbursement for amount of execution issued against him on account of his acts as operator of motor apparatus belonging to the Fire Department, said sum to be charged to the Contingent Fund.

Reports accepted; said orders passed.

#### EVERGREEN STREET, WARD 10.

Coun. CAREY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Evergreen street, Ward 10, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### BUILDINGS CONDEMNED IN HOUSING PROJECT AREAS.

Coun. CAREY offered the following:

Ordered, That the Building Commissioner be requested, through his Honor the Mayor, to advise the City Council as to the number of buildings that had been condemned in the four areas in which housing projects are contemplated under the \$27,000,000 contract approved by the City Council, prior to the selection of these four areas by the Boston Housing Authority.

Coun. CAREY—Mr. President, I don't know what the ability is of those who are making investigations and appraisals in the districts that have been decided upon for the construction of housing projects. I do know, however, that there is a great deal of dissatisfaction on the part of the owners of some of these properties relative to the price that the Housing Authority is willing to pay. I do not believe that there had been very many houses condemned in the Mission Hill area prior to the selection of that area as one for a proposed housing project, and I think it might be well for the Council to be informed as to the number of places that have been condemned.

The order was passed under suspension of the rule.

#### CLEANING OF LINCOLN STATUE.

Coun. CHASE and SHATTUCK offered the following:

Ordered, That the Art Commission be requested, through his Honor the Mayor, to arrange for the thorough cleaning of the statue of the Great Emancipator, Abraham Lincoln, in Park square, as a W. P. A. project.

Passed under suspension of the rule.

#### CIGARETTE VENDING MACHINES.

Coun. WILSON offered the following:

An Ordinance Concerning the Sale of Cigarettes or Tobacco by Vending Machines.

Be it ordained by the City Council of Boston, as follows:

Section 1. No person shall vend or sell cigarettes, cigars or tobacco by the use of automatic vending machines or locate, install, keep, maintain or use upon his premises any vending machine, automatic vending machine, or coin controlled, or coin operating machine, or other mechanical device used or engaged to be used for the sale or distribution of cigar-

ettes, cigars or other tobacco products by such method until said person has obtained a license therefrom from the Police Commissioner.

Section 2. Such licenses shall be for the term of one year from the date of issue, and the license fee shall be twenty dollars (\$20) for each vending machine, automatic vending machine or coin controlled, or coin operating machine or other mechanical device used or engaged to be used for the sale of or distribution of cigars, cigarettes, or other tobacco products by such method, and shall be granted subject to such rules and regulations as may be imposed by the Police Commissioner, and violation thereof shall be cause for immediate revocation.

Section 3. Any person violating the provisions of this ordinance shall, upon conviction, be subject to a penalty not exceeding twenty dollars for each offense.

Chairman WILSON—This is the same ordinance that the Mayor vetoed, except that the amount mentioned is \$20 instead of \$25.

The ordinance was referred to the Executive Committee.

#### WARNING SIGNALS, BUNKER HILL MONUMENT.

Coun. GALVIN offered the following:

Ordered, That the Metropolitan District Commission be requested, through his Honor the Mayor, to consider the advisability of placing suitable warning signal lights on the top of the Bunker Hill Monument for the protection of aeroplane pilots flying at night in this area.

Passed under suspension of the rule.

#### DATA RE ABATEMENT OF TAXES.

Coun. GALVIN offered the following:

Ordered, That the Board of Assessors be requested, through his Honor the Mayor, to furnish the City Council with the following information relative to abatement of taxes amounting to \$25,000 or over for the years 1935, 1936, 1937 and 1938:

1. A list of the individual abatements over \$25,000.
2. The number of abatements issued by the City of Boston.
3. The names and amounts of abatements granted by the State Board of Tax Appeals.
4. The total amount of abatements issued to each bank on both small and large properties.
5. The total amount of abatements granted to real estate concerns on both small and large properties.

Passed under suspension of the rule.

#### DAVIDSON AVENUE, WARD 15.

Coun. KELLY offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Davidson avenue, Ward 15, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### DISCHARGE OF W. P. A. EMPLOYEES.

Coun. McMAHON offered the following:

Ordered, That his Honor the Mayor of Boston be requested to recommend to the W. P. A. Administrator in the City of Boston and such other W. P. A. authorities as he may deem necessary the following changes in the method now in vogue in the discharge of W. P. A. workers employed in the conduct of all the W. P. A. projects sponsored by the City of Boston.

'Form 403 providing for the discharge of a W. P. A. worker shall not be honored at W. P. A. Headquarters unless signed personally by an executive officer of the particular division or department of the City of Boston

sponsoring the W. P. A. project upon which project said worker is employed, except that where a discharge of a W. P. A. worker is for 'Reduction in Quota' the Form 403 shall be inoperative unless authorized by the Executive Director of Public Welfare or the Soldiers' Relief Commissioner in the case of a World War Veteran.'

Coun. McMAHON—Mr. President, for some time the councilors of Boston have been getting various complaints from their constituents that they have been receiving Form 403 for what is called reduction in quota reasons. Away back, I think I am substantially safe in saying, when a W. P. A. man was laid off, either because he was not on the job or for other reasons, he was entitled to a hearing, at which time he would go before the Board, and if that Board found that probably he was unjustly reduced he was reinstated. But when a man with a family comes today to you and the reason is reduction in quota there is not anything that this Board can do, and there is not anything that the City of Boston can do. Now, if I understand the situation correctly, the City of Boston has been very, very generous in supplying money to run these relief projects. Our division engineers lay out the projects. But when it comes to the personnel—that is, the hiring and firing of the W. P. A. workers—our division engineers are powerless to do anything concerning that matter. Only the other day, before the Committee on Appropriations, we had an executive director, Mr. O'Hare, testifying before the committee, who told us that he had absolutely no power, that he had nothing to say with reference to the discharge of the W. P. A. workers. We have a situation here in Boston where we have all kinds of district welfare officers. They know the problems of the people in their particular districts. And yet when it comes to the laying off of W. P. A. workers, he is forced to go down to 18 Oliver street. The system down there is unsatisfactory. The action, if any at all, is slow, and the W. P. A. worker continues to be handled by supervisors taking orders from high officials in the W. P. A. I say, Mr. President, that every time there is a layoff it is either a W. P. A. laborer or a young girl making \$55 a month who is the object of the slash, and I say that as long as I have been in public life, and as long as the W. P. A. has been in existence, no man on a non-welfare basis has ever come to me securing assistance to be reinstated. With the hundreds of complaints coming daily, I think it is about time that this Body took action. I say to you further that no W. P. A. official, whether he be an administrative official or a supervisor, should be permitted to fire people off the W. P. A. pay rolls without first getting the consent of our Soldiers' Relief Commissioner. I say to you further, Mr. President, that no W. P. A. official should be allowed to discharge a man with a family who has come from the Welfare Board on the W. P. A. rolls without first getting the authority of the Executive Director of the Public Welfare, because when a man with a family is discharged from the W. P. A. he has to go all through another investigation down at Oliver street, with the result that he and his family are the sufferers. I ask you, Mr. President and members of this Body, to pass this order so that we may take proper action in getting some respect from the W. P. A. high salaried officials down on Oliver street.

The order was passed under suspension of the rule.

#### HOWARD PLACE, WARD 13.

Coun. HUTCHINSON offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Howard place, Ward 13, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

TRAFFIC CONDITIONS, ROSLINDALE  
SQUARE.

Coun. LYONS offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make a study of traffic conditions in Roslindale square and to submit to the City Council a report containing his recommendations for relieving congestion at this point.

Passed under suspension of the rule.

COST OF ROSLINDALE IMPROVEMENTS.

Coun. LYONS offered the following:

Ordered, That the City Planning Board be requested, through his Honor the Mayor, to inform the City Council at an early date with reference to the following:

1. The estimated cost of extending Belgrade avenue through List place to Washington street.

2. The estimated cost of constructing an underpass at Roslindale Station, under the tracks of the New York, New Haven & Hartford Railroad, where a footpath is now located.

3. The advisability of extending Cummins Highway through the park at Roslindale square to connect with South street.

Coun. LYONS—Mr. President, the traffic situation in Roslindale has been a bone of contention in the last ten years. They have had different boards confer to figure out how they can alleviate the congestion now existing and to arrange for ample parking space for the patrons of Roslindale and West Roxbury. The storekeepers every year are losing thousands of dollars because people in Roslindale itself will not go down into Roslindale square and do their shopping because the congestion is so bad. Now, I have given some suggestions. I ask the Planning Board to answer

these questions. I believe it would be advisable to extend Belgrade avenue down through List place to connect on to Washington street and make it a straightaway. It takes several minutes on a Saturday or any evening to go a hundred yards along there due to the heavy traffic congestion that has been existing for the last four or five years. They may talk about expense and everything else, but I think this is an order that has merit, and the Traffic Commission and the Planning Board should sit down, I think, and plan out something that will alleviate the congestion that is now existing. I say that this Body here should pass this order.

The order was passed under suspension of the rule.

LAY-OFFS IN W. P. A.

Coun. LYONS offered the following:

Ordered, That his Honor the Mayor be requested to confer with local W. P. A. officials in an effort to prevent the lay off of widows and single women who have no other means of support, when further reductions in the W. P. A. forces become necessary.

Passed under suspension of the rule.

REINSTATEMENT OF JAMES GRAY.

Coun. SULLIVAN offered the following:

Resolved, That the City Council of Boston hereby favors the enactment of legislation authorizing the reinstatement of James Gray as a member of the Boston Police Department, provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

Adjourned, on motion of Coun. FISH, at 5.14 p. m., to meet on Monday, May 22, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, May 22, 1939.

Regular meeting of the City Council in Faneuil Hall at 2 p. m., President MURRAY in the chair. Absent, Coun. Englert.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighers of Coal: Eugene L. Murphy, 42 Ashland street, Taunton, Mass.; George E. Munn, 226 Bennington street, East Boston, Mass.; Waldo Malone, 26 Shirley street, Winthrop, Mass.; Warren F. Tapley, 36 Overlook road, Randolph, Mass.; George W. McFadden, 50 Sherborn street, Arlington, Mass.

Weighers of Goods: Guy L. Parks, 49 Dean street, Everett, Mass.; John H. Ratigan, 22 Lane park, Brighton, Mass.; Walter Krokmal, 69 Goodrich street, Lynn, Mass.; George Hagopian, 246 Huntington avenue, Boston, Mass.; George Karakanian, 6 Winthrop street, East Boston, Mass.

Constable for the term of one year, beginning with first day of May, 1939, without power to serve civil process and to serve without bond: John Hunt, 11 Bentham road, Ward 11.

Constables for term of one year beginning with first day of May, 1939, with authority to serve civil process upon filing the necessary bond: Walter J. Stewart, 47 Fort avenue, Ward 11; Anthony J. DiSisto, 25 Gove street, Ward 1.

Severally laid over a week under the law.

## "STOP" SIGN, SOUTH AND CENTRE STREETS.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of May 8, 1939, concerning the installation of a "Stop" sign at the corner of South and Centre streets, Ward 20.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, May 19, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order, dated May 8, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner he requested, through his Honor the Mayor, to install a "Stop" sign at the corner of South and Centre streets, Ward 20."

This location is comprised of the intersection of Centre street, Church street and South street.

We assume that the Council order intends the installation of "Stop" signs in South street at Centre street to govern South street traffic entering the intersection. Because of the peculiar layout of the intersection it would be necessary to erect such a sign at a point so far back of the desired stopping point that it could not be effective.

Accurate observations made by this department show that only about 30 per cent of motorists obey "Stop" signs. It is our opinion that the percentage which would obey a sign erected at this location would be much less and that a more dangerous condition than exists at present would be created, because Centre street traffic would assume that all traffic entering the area from South street would stop before entering.

This location is on a list where this commission has recommended the installation of automatic traffic signals when funds are made available for the purpose.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

## SOLARIUM FOR WOMEN.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of May 8, 1939, concerning the construction of a solarium for the use of women at the L Street Bath House, either as a W. P. A. project or with funds to be obtained from some other available source.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, May 16, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—I have your memorandum of May 12, with inclosure, order from the City Council that the Park Department arrange for the construction of a solarium for the use of women at the L Street Bath House.

Some years ago tentative plans were prepared for the construction of a solarium of this kind—the cost ran into approximately \$60,000. A project—the sponsor's contribution would be so high it would be very inadvisable to attempt to construct it with W. P. A. forces. In the event that a solarium was constructed, the maintenance would amount to considerable. For instance, the building that is now closed during the winter months would have to be piped for heating and kept hot both day and night; also hot water boilers would have to be installed and showers. It would also mean a force of eight women with superintendence.

There is no way in which I know this maintenance can be arranged for, as we cannot maintain the activities we now have.

Very respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

## "WHITE WAY" LIGHTING, GROVE HALL.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 1, 1939, concerning the making of a survey of the Grove Hall section of Roxbury with a view of installing a "white way" lighting system in that section.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 17, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works make a survey of the Grove Hall section of Roxbury with a view of installing a "white way" lighting system in that section.

I regret to advise that, due to budget limitations, there is no money available for the installation of white ways.

Respectfully,  
GEORGE G. HYLANO,  
Commissioner of Public Works.

Placed on file.

## ELECTRIC LIGHTS, SHERWOOD ROAD.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your

order of April 24, 1939, concerning the installation of electric lights on Sherwood road, Ward 20.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 17, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works install electric lights on Sherwood road, Ward 20.

This will advise you that an order will be issued by this department for the installation of two small electric lamps on above-named street.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### SURVEY OF STREETS CONSTRUCTED BY W. P. A., WARD 20.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen.—I transmit herewith letter from the Public Works Commissioner relative to your order of March 6, 1939, concerning the making of a survey of all streets that have been constructed by the W. P. A. in Ward 20 during the past two years with a view to using some type of binder that will keep the streets from deteriorating within one year after construction work is completed.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 16, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works make a survey of all streets that have been constructed by the W. P. A. in Ward 20 during the past two years with a view to using some type of binder that will keep the streets from deteriorating within one year after construction work is completed.

There were approximately twenty-five streets built in this ward of penetration macadam pavement and, at the present time, I find that there are ten of them which are in need of a blanket coat of asphalt, but are in fair condition.

This department intends to do this work this year provided a diversion of funds from the gas tax is made by the Commonwealth and the city receives some of this money.

There is one other street which is in rather poor condition due to the past winter's severity and this street will also be taken care of when these funds are available.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works

Placed on file.

#### SIDEWALKS AND FOUNDATIONS NEAR SUBWAY.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Building Commissioner relative to your order of May 8, 1939, concerning the inspection of sidewalks and building foundations in the vicinity of the Huntington Avenue Subway construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Building Department, May 17, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston,  
Subject: City Council order of May 8, 1939,  
Huntington Avenue Subway construction.

Dear Sir,—Complying with instructions contained in your communication of May 12, subject—City Council order of May 8, 1939, concerning the inspection of sidewalks and building foundations in

the vicinity of the Huntington Avenue Subway construction, please be informed that four building inspectors were immediately assigned to the district involved, namely, that along the north and south sides of Huntington avenue from the Exeter Street Bridge to the Boston Opera House, and said inspectors have made special reports on the condition of structures at 137 addresses, all on Huntington avenue with the exception of one at 8 Cumberland street, and one at 300 Massachusetts avenue, corner of Huntington avenue.

Although the City Council order requests an inspection of sidewalks you undoubtedly are aware of the fact that the work of inspecting sidewalks does not come within the jurisdiction of this department, but in some instances the building inspectors have reported conditions of settlement of either sidewalks or walks from the sidewalk line into buildings forming approaches to same, yet in very few cases have the reports indicated any settlement in the main structures or buildings and where such settlement has been noted records on file in this department will indicate the extent of masonry fractures.

Respectfully yours,  
JAMES H. MOONEY,  
Building Commissioner.

Placed on file.

#### HEALTH UNIT, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen.—I transmit herewith letter from the George Robert White Fund Manager relative to your order of April 3, 1939, concerning the erection of a Health Unit on city-owned property, adjacent to the yards of the Public Works Department, on Hancock street, Ward 13.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
George Robert White Fund, May 18, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on Monday, April 3, 1939, the following order was passed:

"Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to consider the advisability of erecting a Health Unit on city-owned property, adjacent to the yards of the Public Works Department, on Hancock street, Ward 13.

In City Council April 3, 1939. Passed." and I herewith submit the following vote passed by the trustees of the George Robert White Fund at their meeting on Tuesday, May 9, 1939:

Voted, That on account of the large expense of maintenance of Health Units, which must be borne by the city, the trustees do not deem it wise to build any more Health Units at this time.

Respectfully submitted,  
JOSEPH F. O'CONNELL,  
Manager.

Placed on file.

#### HEALTH UNIT, WARD 20.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen.—I transmit herewith letter from the George Robert White Fund Manager relative to your order of April 3, 1939, concerning the erection of a Health Unit and recreation hall in some central location in the Ward 20 district.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
George Robert White Fund, May 18, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council held on Monday, April 3, 1939, the following order was passed:

"Ordered, That the trustees of the George Robert White Fund be requested, through his



Honor the Mayor, to consider the advisability of erecting a Health Unit and recreation hall in some central location in the Ward 20 district.

In the City Council April 3, 1939. Passed."  
and I herewith submit the following vote passed by the trustees of the George Robert White Fund at their meeting on Tuesday, May 9, 1939:

"Voted, That on account of the large expense of maintenance of Health Units, which must be borne by the city, the trustees do not deem it wise to build any more Health Units at this time."

Respectfully submitted,

JOSEPH F. O'CONNELL,  
Manager.

Placed on file.

#### SIDEWALKS, WREN STREET.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 17, 1939, concerning the resurfacing of Wren street, West Roxbury, and installing sidewalks on both sides of the street, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 19, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface Wren street, West Roxbury, and install sidewalks on both sides of the street, under the W. P. A. plan of construction.

Please be advised that the reconstruction of Wren street is already on an approved W. P. A. project.

Relative to the sidewalk situation, most of them are in at the present time and the rest of the sidewalks will be installed some time in the near future.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RECONSTRUCTION OF POND STREET.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 1, 1939, concerning the reconstruction, under the W. P. A. plan of construction, of Pond street, Ward 19, from Centre street to the Jamaica way.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 19, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works reconstruct, under the W. P. A. plan of construction, Pond street, Ward 19, from Centre street to the Jamaica way.

Upon investigation I find that this is a macadam street in fairly good condition and is not in any immediate need of reconstruction.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### STAIRS, SUNSET HILL PARK AND CENTRE STREET.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.

To the City Council.

Gentleman,—I transmit herewith letter from the Public Works Commissioner relative to your order

of April 17, 1939, concerning the erection of a flight of stairs between Sunset Hill park and Centre street, West Roxbury.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 12, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works erect a flight of stairs between Sunset Hill park and Centre street, West Roxbury.

Kindly be advised that this is a private way and this department has no jurisdiction therein.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### STREET WIDENINGS, CHARLESTOWN.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 1, 1939, concerning the proposed street widening or other street changes in the Bunker Hill Monument section of Charlestown.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 12, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works advise the City Council in detail concerning any proposed street widening or other street changes in the Bunker Hill Monument section of Charlestown.

Please be advised that this department does not contemplate any changes in the above section and the matter of street widening should be taken up with the Board of Street Commissioners.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING OF WARD 22 STREETS.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 1, 1939, concerning the resurfacing of the following streets:

Bradbury street, Alcott street, Hano street, Myrick street, Blaine avenue.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 19, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface the following streets in Ward 22, under the W. P. A. plan of construction:

Bradbury street, Alcott street, Hano street, Myrick street, Blaine avenue.

Please be advised that Myrick street is already on an approved W. P. A. project.

Relative to Bradbury street, Alcott street, Hano street and Blaine avenue, I regret to advise you that, due to the large number of projects now working and on approved projects, these streets cannot be submitted on a W. P. A. project for approval until some time later on in the year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## SIDEWALKS, WARD 20 STREETS.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen.—I transmit herewith letter from the Public Works Commissioner relative to your order of April 3, 1939, concerning the installation of sidewalks under the W. P. A. plan of construction on the following streets in Ward 20: Brookfield street, Hamilton street, Maple street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 18, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works install sidewalks, under the W. P. A. plan of construction, on the following streets in Ward 20: Brookfield street, Hamilton street, Maple street.

Relative to Brookfield street, a canvass of this street has been made, and the majority of the abutters have signified their intention of paying their proportionate share of the cost of this work and, when the necessary lien order has been approved in City Council to have artificial stone sidewalks installed, arrangements will be made to proceed with the work.

Relative to Hamilton street and Maple street, the majority of the abutters have signified their unwillingness to assume their proportionate share of the cost of this work.

Therefore it is not advisable to submit these two streets on a W. P. A. project for the construction of artificial stone sidewalks.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## ARC LIGHT, WASHINGTON STREET.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen.—I transmit herewith letter from the Public Works Commissioner relative to your order of April 17, 1939, concerning the installation of an electric arc light on Washington street, opposite Cummins Highway, directly in front of the park at Roslindale square.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 17, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works install an electric arc light on Washington street, opposite Cummins Highway, directly in front of the park at Roslindale square.

Please be advised that an order will be issued by this department for the installation of a large electric light at the above-named location.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## ABOLITION, GRADE CROSSING, BIRD STREET STATION.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen.—I transmit herewith letter from the Public Works Commissioner relative to your order of April 24, 1939, concerning the matter of abolishing the grade crossing at the Bird Street Station of the New York, New Haven & Hartford Railroad in Dorchester and erecting an overpass.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 12, 1939.  
William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle.—The following order was passed in the City Council on April 24, 1939:

“Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to take up with the State Department of Public Works the matter of abolishing the grade crossing at the Bird Street Station of the New York, New Haven & Hartford Railroad in Dorchester and erecting an overpass, the expense of same to be met by the Federal Government under the Hayden-Cartwright Act.”

As requested in the order, I have taken up this matter with the State Department of Public Works, and they have agreed to eliminate the present grade crossing by constructing an overpass to extend from the corner of Monadnock street and Cedar place to Magnolia street. The proposed location of this overpass will follow the present line of Cedar place and will pass over the railroad tracks and Alexander street as far as Magnolia street on the northerly side of the Benedict Fenwick School.

The entire cost of construction, which is estimated at \$170,000, will be assumed by the Federal Government, under the provisions of the Hayden-Cartwright Act. The contract will be advertised some time this summer, and the entire project should be completed by the spring of 1940.

This will make a worthwhile improvement at this location, and will eliminate entirely the dangerous conditions now existing at the Bird Street grade crossing.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## WITHDRAWAL OF PROPOSED SALARY INCREASE FOR SHERIFF.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen,—I herewith transmit communication received from the Hon. John F. Dowd, Sheriff of Suffolk County, in which he expresses a desire to withdraw a proposed salary increase for his position which was presented to your Honorable Body on April 3, 1939.

In view of this communication I would suggest to your Honorable Body that no action be taken on the above referred to order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

The Commonwealth of Massachusetts,  
Office of Sheriff,  
Suffolk County,  
Boston, Massachusetts,

May 18, 1939.

To His Honor, Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor.—On April 3, 1939, you sent a communication to the City Council recommending a change in the County Classification Plan fixing my total salary at \$6,000 rather than \$4,000. In view of the fact that the sheriffs' salaries of all the larger counties were in excess of mine and in view of the fact that my duties were to be multiplied by reason of the new Court House building, I felt this change of salary was justified.

However, it appears at the present time that changes are to be made in the direct management of the new Court House, which of course, will reduce my responsibility somewhat. Therefore, I might say that the present change in my salary now before the City Council must be viewed in a different light than if I were to continue as sole custodian of the new building.

In view of this, may I suggest that you make my wishes known by sending that Body a communication withdrawing the order which affects my present salary.

Sincerely yours,  
JOHN F. DOWD, Sheriff.

Referred to Committee on County Accounts.

## RESIDENCE OF SCHOOL TEACHERS.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Boston School Committee Secretary relative to your order of April 24, 1939, concerning an opinion as to the legality of making compulsory the moving into Boston of non-resident teachers on the department pay roll, and also your order of same date concerning that in the event such action shall be ruled legal, the Committee be requested to instruct all such teachers to establish residence in Boston.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, May 16, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At last evening's conference, the School Committee received and placed on file the orders passed by the City Council on April 24, 1939.

(a.) Asking the School Committee, through his Honor the Mayor, to request the Corporation Counsel for an opinion as to the legality of making compulsory the moving into Boston of non-resident teachers on the department pay roll; and

(b.) That in the event such action shall be ruled legal, the Committee be requested to instruct all such teachers to establish residence in Boston prior to the beginning of the next school year, and to inform all such employees that failure to comply with such request will be cause for immediate dismissal after October 1, 1939.

Respectfully yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

## TRANSFER OF LAND, ALBANY STREET.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith an order for the transfer of land at 312 Albany street from the care and custody of the Custodian of Foreclosed Real Estate to the Public Works Department of the City of Boston.

The land in question is convenient to the Public Works Department Yard on Albany street and comprises some twenty-nine thousand square feet of land. It is ideally situated for use by the Public Works Department as the inclosed letter from the Public Works Commissioner would indicate.

I recommend passage of the accompanying order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 12, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—The City of Boston foreclosed on a piece of property at 312 Albany street, Boston, on March 11, 1939. This area contains 28,859 square feet of land, and is now under the jurisdiction of the Custodian of Foreclosed Real Estate.

The Paving District Yard is now located at No. 650 Albany street, adjacent to the garage of the Public Works Department. This yard occupies land that could be used to much better advantage for the storage of motor vehicles and for various other purposes in conjunction with the work that is being done in the garage.

In view of this, I feel that it would be advantageous to select another location in that vicinity and construct a modern and up-to-date yard for the use of the Paving Service. The area at 312 Albany street would serve as an ideal location, and this proposal meets with the approval of Mr. Daniel Driscoll of the Real Estate Division of the Public Buildings Department.

I am inclosing four copies of an order that has been prepared by the Law Department, to be introduced in the City Council, authorizing the transfer of this land from the jurisdiction of the Custodian of Foreclosed Real Estate to the Public

Works Department. I respectfully request that you submit this order to the City Council for their approval.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Whereas, The City of Boston by a decree of the Land Court, Suffolk Registry District, dated March 11, 1939, foreclosed a right of redemption under a tax deed recorded with Suffolk Deeds, Book 5396, page 72, on the land with the buildings thereon on the southeasterly side of Albany street numbered three hundred and twelve (312) in the numbering of said Albany street and supposed to contain about twenty-eight thousand eight hundred and fifty-nine (28,859) square feet; and

Whereas, The Commissioner of the Public Works Department of the City of Boston is desirous of using the said premises as a district yard of the said Public Works Department; now, therefore, it is hereby

Ordered, That the Custodian of Foreclosed Real Estate of the City of Boston be, and hereby is, authorized, with the approval of the Mayor of Boston, to transfer the care, custody, control and management of the said premises to the Public Works Department of the City of Boston.

Referred to Executive Committee.

## APPROPRIATION FOR BOSTON HOUSING AUTHORITY.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.  
Gentlemen,—I have received a letter from the Boston Housing Authority requesting an appropriation in the sum of \$25,000 for the purposes set forth in said letter.

Accordingly, I transmit herewith an order appropriating the sum of \$25,000, to be expended by the Authority, and I recommend prompt consideration and passage of said order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Boston Housing Authority, May 12, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—The Boston Housing Authority requests that an appropriation of \$25,000 be made to be expended by this Authority during the remainder of the year 1939.

The foregoing sum will be used for (1) preparation of data for new projects; (2) for research in and surveys of housing conditions and needs in the city in connection with proposed projects; (3) sponsor's contributions for W. P. A. projects for real property inventories and surveys in connection with which it is contemplated 300 persons will be employed on projects estimated at \$150,000; and (4) for miscellaneous administrative expenditures.

During the year 1938 the sum of \$30,000 was appropriated for the use of the Boston Housing Authority; \$20,000 by order of the City Council passed on February 28, 1938, and approved by your Honor on March 3, 1938; and \$10,000 by transfer from the Reserve Fund on December 16, 1938.

As I advised your Honor on November 28, 1938, when this Authority requested the transfer of \$10,000, hereinbefore referred to, it was originally contemplated that the \$20,000 appropriated by the City Council on February 28, 1938, might be repaid to the city; but it became apparent, when enabling state legislation became effective on July 5, 1938, that the broad program of this Authority, the development of new projects and the administrative work of this Authority required the expenditure not only of the original \$20,000 but of additional sums for further studies of plans and estimates of proposed new projects, in order to carry the housing program through the end of 1938 and into the beginning of 1939.

Because the proper planning and development of new projects require the expenditure of time, care and money, I respectfully urge that the sum

of \$25,000 be made available immediately for the use of this Authority, in accordance with the purposes hereinbefore set forth.

Respectfully,  
BOSTON HOUSING AUTHORITY,  
by JOHN A. BREEN, Chairman.

Ordered, That the sum of twenty-five thousand dollars (\$25,000) be, and hereby is, appropriated, to be expended by the Boston Housing Authority for the purpose of defraying initial costs and administrative expenses of the said Authority in connection with its proposed projects, including the following:

1. Preparation of data for new projects.
2. Research in and surveys of housing conditions and needs in the City of Boston.
3. Participation in W. P. A. projects for real property inventories and surveys.
4. General administration of said Authority and the performance of its duties.

Said sum to be charged to the Contingent Fund.  
Referred to Executive Committee.

#### SURVEY, CHARLESTOWN TRAFFIC CONDITIONS.

The following was received:

City of Boston,  
Office of the Mayor, May 22, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of May 1, 1939, concerning the making of a survey of traffic conditions in City square, Charlestown, and establish rotary traffic.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, May 16, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston,

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated May 1, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make a survey of traffic conditions in City square, Charlestown, and establish rotary traffic."

Several months ago Councilor William J. Galvin requested this commission to make a survey of Charlestown and Warren Bridges to see whether or not it would be possible to run traffic one way on these bridges and by so doing relieve traffic congestion in Keany square and City square.

Studies have been made at the councilor's suggestion and we are waiting until the proposed resurfacing of Causeway street and Washington Street North is completed. This plan of one-way bridges contemplates a rotary traffic movement in City square.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

##### Claims.

Delano & Co., for compensation for damage to property at 278 Washington street, caused by break in water main.

Martin F. Ford, for compensation for damage to car caused by an alleged defect at 9 Oakland street.

Arthur J. Grimley, to be reimbursed for judgment issued against him.

Annie Johnson, for compensation for injuries caused by an alleged defect at 18 Babson street.

Sarah Moger, for refund on fruit license and soft drinks license.

Rev. James J. Murphy, for compensation for damage to property at 25 Burton street, Brighton, caused by broken water pipe.

Ernest L. Sampson, for compensation for damage to car by police wagon.

Margaret Seabury, for compensation for damage to property at 78 Hillside street, caused by break in water main.

Samuel Ziff, for refund on dog license.

James Craig, for compensation for damage to car caused by city truck.

Rose Shallop, for compensation for injuries caused by an alleged defect in West Park street.

Committee on Ordinances.

Petition for permit for driveway opening as follows:

S. Newman, at 141 Cambridge street, Ward 22. Commonwealth of Massachusetts, 145 Nashua street.

Boston & Maine Railroad, 135 Nashua street.

Executive.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

Ellen F. Carney, St. Mary's Hall, June 19.

James A. Shanahan, Jordan Hall, May 25.

Ruth M. McShane, Forester's Hall, June 9.

Hazel Boone, Jordan Hall, June 5.

Anna M. Greene, Current Events Hall, May 20, 22.

Gabriel Cohen, Regent Manor, May 21.

M. Theresa Connell, B. Y. W. C. A., June 1.

Ursula M. Loughran, Peabody Playhouse, June 1.

#### MINORS' LICENSES.

Applications for minors' licenses were received from forty-four newsboys and sixteen bootblacks. Licenses approved under usual conditions.

#### CONSTABLES' BONDS.

Constables' bonds, having been duly approved by the City Treasurer, were approved by the Council, as follows:

Bernard M. Mullen, Edward Ober, Bert Oppenheim, James G. Peters, Almerindo Sarno, Henry J. D. Small, Leon Small, Frank J. Staula, John A. Wragg.

#### TRANSIENT VENDOR'S LICENSE.

Notice was received of the issuance of a transient vendor's license to Guiseppina Martiniello at 9 Bennington street, East Boston.

Placed on file.

#### WIDENING OF DORCHESTER STREET.

Coun. MURRAY offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to estimate the cost and make a plan of the proposed widening of Dorchester street, from Broadway to First street.

Passed under suspension of the rule.

#### GYMNASIUM IN SOUTH BOSTON.

The following was received:

Resolved, That the City Council of Boston favors the enactment of legislation authorizing the City of Boston to borrow \$500,000 for a gymnasium in South Boston provided such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

#### FIVE-DAY WEEK FOR CITY WORKERS.

Coun. MURRAY offered the following:

Ordered, That his Honor the Mayor consider the advisability of placing all city workers on a five-day week wherever possible during the summer months.

Passed under suspension of the rule.

#### SOFTBALL PLAYING, AQUARIUM PARK.

Coun. MURRAY offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to put Aquarium Park, Ward 6, in suitable condition for softball playing.

Passed under suspension of the rule.

PAYMENT TO WIDOW OF JOHN A.  
KELIHER.

Coun. FITZGERALD offered the following:  
Ordered, That chapter 211 of the Acts of 1939, entitled "An Act Authorizing the County of Suffolk to Pay a Sum of Money to the Widow of John A. Keliher, Late Sheriff of said County," be, and hereby is, accepted.

Ordered, That under the provisions of chapter 211 of the Acts of 1939 there be allowed and paid to the widow of John A. Keliher, late sheriff of the County of Suffolk, the balance of the salary to which he would have been entitled had he lived and served until the end of the term for which he was elected; the amount so paid to be charged to the Contingent Fund.

Coun SHATTUCK—Mr. President, I would like to ask what the termination of the term was; when the term would have ended?

President MURRAY—In three months.

Coun. SHATTUCK—It simply covers the balance of the current year?

President MURRAY—Three months of last year.

The order was passed under suspension of the rule.

REPAVING CHURCH STREET, WARD 15.

Coun. KELLY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth pavement, Church street, Ward 15, under the W. P. A. plan of construction.

Passed under suspension of the rule.

PUBLIC SENTIMENT RE FEDERAL HOUSING PROJECTS.

Coun. CHASE and WILSON offered the following:

Ordered, That the Executive Committee hold a public hearing to ascertain public sentiment in the City of Boston with reference to any extensions of Federal housing projects.

Referred to Executive Committee.

DATA AS TO PERSONS ON W. P. A.

Coun. WILSON offered the following:

Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to ascertain and report to the City Council at once:

(a.) The number of persons on Boston W. P. A. projects as of May 1; and

(b.) The net number of persons dropped from W. P. A. in Boston as a result of instructions from Washington reducing the Massachusetts quota.

Coun. WILSON—Mr. President, during the public hearing I understood Colonel Sullivan to state that the number of persons on W. P. A. at the present time is substantially 5,000 under the number on W. P. A. at the corresponding period of last year, but I merely wish to have the information officially.

The order was passed under suspension of the rule.

REORGANIZATION OF DEPARTMENTS.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to promptly present for Council consideration an order for the reorganization and consolidation of the fiscal departments of the city to include the Auditing, Budget, Assessing, Collecting, Treasury, Supply, Statistics, Sinking Funds and possibly the Printing Department; said consolidation to be substantially in accordance with plan submitted to the City Council special committee on consolidations in October of 1937; and such plan to be substantially in accord with plans for fiscal reorganization of city departments sponsored by the present Mayor in 1937.

Coun. WILSON—Mr. President, chapter 227 of the Acts of 1934 gave to the Mayor and City Council jointly the power to reorganize, consolidate or abolish city departments, and, while we do not always remember the fact—to establish

salaries of all heads of departments or members of boards, except the School Committee, Commissioner of School Buildings, Election Department, and departments in charge of officials appointed by the Governor. Recent budget hearings have again accentuated that unfortunate division of powers and responsibilities which tends to prevent any coordinate and general plan for a reduction of the expenses of the city which will keep down the tax rate. The Elevated deficit, Metropolitan district assessments, and the annual state tax deficit are items which the city government is powerless to avoid. Expenditures by the School Department are entirely outside the powers of the City Council although representing about one third of our operating expenses. Other departments such as the Police Department, the Library and the courts frequently seem in a position to continue increased expenditures regardless of Council action. The City Council, with a minimum of power over the expenditures of a very limited number of departments, frequently with some real reason points to a majority of items in the annual bill of the city over which the Council has no control. The School Department and the Massachusetts Legislature are always prompt to point out that each has only a partial voice in the amount of the annual charge to the taxpayers of Boston. While the various officials who have a part in the establishment of the Boston tax rate throw the ball from one to the other, the unfortunate taxpayer invariably gets caught between the bases. It would at least relieve the present desperate situation if each official body, having a part in establishing the size of our annual tax rate, would endeavor to row its own weight in the boat. We have had a financial overseer, at an annual cost of \$25,000, to endeavor to keep various departments in line and with general unofficial supervisory powers. If we are to systematize the business of the city so far as those departments within the control of the Mayor and Council are concerned, I believe it should be through a proper reorganization of certain city departments, and not incidentally through unofficial control. The most important departments to be considered are the fiscal agencies, which might well be unified under a Commissioner of Finance, but his powers and duties should be officially defined. I have in mind, of course, the fact that undoubtedly the suggestion, although not a new one, will not be treated in any way in a hostile manner by the Mayor, because I remember many of his speeches during the recent campaign in which he exhibited a very friendly interest in a possible reorganization of the fiscal departments of the City of Boston. I realize that it is no doubt due to the fact that, under a new administration, the expedient was made use of last year to appoint Mr. Whitcomb as a sort of an unofficial city official without portfolio, at a cost of some \$25,000. I have no personal criticism to make of Mr. Whitcomb except that, of course, any such arrangement leaves the Assessing Department, for example, in a position where, before any abatements can be made, the assent of this unofficial observer must be obtained, and it leaves the average city department head in a position where there is a powerful unofficial personage between the city departments and the Mayor's Office, with a degree of authority, or certainly with a degree of influence which, in my opinion, should not be in the hands of any person not strictly on the Boston pay roll, and with a person the source of whose salary we are not wholly familiar with, because I don't know from what department or what part of the budget the \$25,000 came. So that, the initial days of the new administration now being over, and remembering the favorable comment of the Mayor concerning possible reorganization of that life blood of the city, the fiscal departments, I feel that the time has come for some definite steps to be taken and real consideration to be had so that the Mayor and the City Council, with their joint powers, may reorganize the fiscal departments of the city. I see no particular reason, for example, why the Budget Department and the Auditing Department can't be parts of the same department, when I remember back how Mr. Fox — one of the ablest executives, to be sure, in the City of Boston's employ — was the head of and ran both departments simultaneously. I have in mind the question of abatements, and any councilor who has had to go to the Assessing Department for abatements knows that to hurry the matter along there are those trips from the assessors down to the collectors, and from the collectors up to the assessors, and from

the assessors down to the collectors. In other words, there is a close connection between the Assessing Department and the Collecting Department, with powers that interlock. So that I urge upon the Council the adoption of this order, which I trust will meet with the approval of the Mayor, feeling that in these desperate times—and I use the phrase advisedly—this is the day and the hour for the government of the City of Boston to consider a reasonable and an effective consolidation of the fiscal departments of the city.

At the request of Coun. AGNEW the order was again read by the clerk.

Coun. AGNEW—Mr. President, if the Chair has no other suggestion I move that this be referred to the Executive Committee.

President MURRAY—If there is no objection the matter will be referred to the Executive Committee.

The matter was so referred.

#### CHANGES IN BUDGET AS SUBMITTED.

Coun. WILSON offered the following:

Ordered, That the Committee on Appropriations be requested to confer further with the Budget Commissioner for the following purposes:

1. Adjustment of various items in the budget in accordance with recent allocation by the Mayor of \$1,194,300 received late in 1938 from the Commonwealth of Massachusetts.

2. The allocation of Boston's share of that part of \$19,200,000 to be distributed this year to cities and towns for highway purposes by act of the Massachusetts Legislature, from gasoline tax receipts, with the approval of the Governor, which sum should approximate \$375,000, and adjustment of any proposed departmental appropriations accordingly.

3. To cut out such items in the budget as would provide this year for any so-called step-rate increases to city and county employees now receiving \$2,200, or more, per year.

4. To eliminate for the balance of the year, starting as of June 1, 1939, such salary increases to employees previously paid \$2,200, or more, per year, (a) as were allowed in the closing days of 1937 by the previous administration, and (b) as may have been allowed since January 1, 1938.

5. To cut from the budget at least \$150,000 in salary estimates, in view of the fact that on January 1, 1939, there were 396 less employees on the pay roll of city departments than on January 1, 1938, and yet the present 1939 budget for personal service in city departments is only \$112,408.25 less than actual expenditures for the same items in 1938; but with any cuts made to affect no employees receiving \$2,200 or less.

6. To effect a cut of not less than 2 per cent in the budget of each city and county department without reducing any salaries of \$2,200 or less per year.

Coun. WILSON—Mr. President and members of the Council, I, of course, appreciate the fact that undoubtedly the Committee on Appropriations will make various recommendations as the result of their many hours of hearings here, and as the result of the public meeting that was held in this hall last week. There are, however, certain items regarding which I feel, if they consider them, they should continue to be in very close touch with the Budget Commissioner. I do not believe the vast amount of detailed clerical work for a substantially good job with reference to the items that I mention should be left with the Committee on Appropriations without the assistance of the Budget Commissioner, so that I merely urge the adoption of this order and the consideration of those various items in order that, with the help of the Budget Commissioner, the Committee on Appropriations, or other members of the Council, can perhaps pick out items here and there that should be reduced and these outstanding items can be taken care of, or, at least, considered. I will frankly admit that, although some orders have come through with reference to them, my own mind is a little hazy on the allocation of the one million-odd thousand dollars that came through as the result of last year's act of the Legislature, with a consequent reflection in the budget, nor just what disposition will be made of our share of that part of the nineteen million-odd dollars from the gasoline fund which is to be paid over to us shortly, which will also be reflected to a certain extent in the budget.

I realize that any order of this nature, or any action on the part of the City Council other than signing on the dotted line, will, to a certain extent, create hard feelings and criticism. I do not believe that any city official at the present time wishes to unduly upset the local financial situation, or to unduly upset the people of Boston who have so much at stake. But I believe as earnestly as I can possibly express it, Mr. President, that this year the tax rate in the City of Boston must not be advanced, and I believe that it is incumbent as a duty, not only on the members of the Legislature, who have their part of the duty, not only on the School Committee, but also on the City Council of the City of Boston, even if it does cause a few tears, to see to it that the tax rate of the City of Boston does not exceed its present record figure. Now, I know that one of the most touching subjects—and rightly so—that you can ever mention, is the question of salaries, and that it apparently does not make much difference whether you refer to a salary of \$40 or \$50 a week, or whether you refer to the salaries of people receiving \$6,000, \$7,000, and oftentimes up in that range. You are still criticized for raising your voice. Now, I would hate to see cuts in the wages of the city employees of the City of Boston, even though I stand here today and prophesy that if the tax rate goes up this year there will be some effort to return to the salary cuts which were made in 1933 and 1934, and which would even cut into the little fellow making \$1,000 or less, who took 5 per cent in the cut, would even cut into the little fellow making \$1,600 down to \$1,000, who took a cut to the tune of 10 per cent, would even cut into the man making between \$1,600 and \$2,200, who took a cut to the tune of 15 per cent. I bear that in mind and I urge upon you, Mr. President and members of the Council, that it is imperative that, while there is still time, the City Council snap out of it, because if some definite steps are not taken the taxpayers of the City of Boston will rise up in wrath—and I don't mean with bands and flags, but they will rise up with a wrath which will either mean a tax strike, which I would hate to see, or the appealing of thousands of cases to the Board of Tax Appeals, which is the logical, constitutional and proper way for the taxpayers of Boston to strike. So that I say I do not want to see any cuts in salaries, and I know that what I am going to say in my next sentence is going to be severely criticized. But with all due frankness, Mr. President, when I have friends of mine in private employment this last year or two tell me how times are tough, that they have just taken another 10 per cent cut or another 20 per cent cut, and then they come in a month or two and they are all through—in these days when men in private employment, when taxpayers who have some rights, are standing with their backs to the wall, I don't care who it hits, if I have known them a hundred years, no city or county employee who is receiving a salary in excess of \$40 to \$42 a week has any right to expect the taxpayers of Boston to give him a raise, whether it is in the form of a step rate or some special favor through some special influence. And I know that this statement is going to make enemies. It is going to cause unfavorable comments so far as I am concerned, but I repeat that any public employee today, with the security that he has, with his pension rights, with reasonably easy hours, with a fair vacation, who is making \$40 to \$42 a week and more, has certainly got a crust to condemn any member of the City Council or any city official who says that in this of all periods in the history of the City of Boston he should not have a raise.

The order was referred to the Committee on Appropriations.

#### PAYMENT TO RESIDENT OWNERS OF HOMES TAKEN IN HOUSING PROJECTS.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority, through his Honor the Mayor, be requested, incident to takings by eminent domain for proposed low rent housing projects, to pay over to resident owners of homes taken such sum in each case as the Boston Housing Authority has determined is a fair market price for such property, and that such payment be made prior to eviction proceedings and irrespective of whether resident owners insist on their right to determine an ultimate higher price in court proceedings.

Coun. WILSON—Mr. President, although, of course, the members of the Council realized that steps were being taken to extend the so-called low rent housing in the City of Boston, and although many of us were familiar with the fact that agents of the Boston Housing Authority were collecting 2 per cent commission or more for signing willing or unwilling property owners on the dotted line, and even though we knew that purchases were being made of properties, it did, of course, come as something of a shock, not so much to us as to the little home owners of Charlestown, Roxbury, and those of them who are left in that area in South Boston, to learn that the City of Boston had filed in the Registry of Deeds what amounts to the taking of homes by eminent domain. I read in the papers that the constitutionality of that action has already been determined, although I am unfamiliar with the date of the case in Massachusetts where it has been finally determined, and was under the impression that a rather important case is to come up on or around June 5, testing some points of housing and tax exemption originally brought by City of Holyoke. But in any event we read in yesterday's papers of this taking by eminent domain, as a start, I assume, on that ten-year program which Mr. Breen told us about, which, after the expenditure of \$191,000,000, will presumably house 35,000 families in the City of Boston. Consider, Mr. President, the seriousness of that if it goes through—and I am not going to get too far from the order itself. We realize that in the average family there are some three votes, certainly, putting it conservatively, in 35,000 families, taking but two to a family, we can assume 70,000 votes, and with a present police list of 534,230, and with a present voting list of approximately 324,000, such a program, placing about 35,000 Boston families in these housing projects, will mean that one out of every eight adults police-listed in the City of Boston, and one out of every five voters in the City of Boston ten years from now will be living in a so-called low rent housing project. They will say, of course, that this is Republican propaganda, but I still insist that when the time comes that one out of every five voters in the City of Boston is living in low rent housing, with the control that there must be in any housing, whether it is an apartment house or Federal low rent housing, where we are only one step removed from the control of education and religion, and only one step removed from socialism, it becomes a serious matter. Now, I understand from what I read in the paper that they took by eminent domain something like 1,450,000 square feet of land, which will cost some \$2,100,000 of money that the government will lend the Housing Authority—our money—and they have taken approximately thirty-four acres in South Boston, Charlestown, and Roxbury, taking title to the homes of 4,700 persons, composing 1,279 families, together with 639 vacant dwelling units, all included in 847 dwelling structures. I understand that the unpaid taxes on any of these properties and the mortgage will be deducted from the price that the owner receives, if there is any salvage left. Of course a lot of the big money interests of the City of Boston, under cover, are in favor of this housing proposition because a lot of them hold mortgages in Charlestown and other sections of the city, which they placed on those properties years ago in amounts more than the property is worth. Long ago they kissed a good part of that money good-by, and no wonder they favor this arrangement which will put some cash into Boston so that some of the financial powers in this Metropolitan district can get back the money that is in the form of mortgages on those little homes, and they will get theirs first. Now, I read in the paper—and I know it must have been misquoted—where a councilor from one of the districts affected stated that he had taken a postcard poll of 10,000 families and he had some 6,000 replies, 5,500 in favor and 400 against. I know he must have been misquoted, because I have been in the political game quite a few years, Mr. President, and time after time I have taken postcard polls on various subjects in my ward, on matters in which the people supposedly were intensely interested, and I make the statement on the floor of this Council today that I know that any such figure must have been misquoted because there never was a postcard poll in America that got back 60 per cent of the replies. If you get 12 per cent or 18 per cent or 20 per cent on a postcard poll you are shooting to the stars. And I know that is so for another reason, because, strange as it may

seem, over the week-end I had telephone calls from people as far away as the Charlestown area. I assume that they are average people in the district, although they may have been a part of that minority that is reported to be against housing in Charlestown. But they sounded on the level to me—and incidentally, I have two of them here today. I gathered from them that the people who have the most at stake, and who are not in on any mortgage racket, and who are not in on any options—the people that have the most at stake, the people who were born in their little houses, or brought up in their little houses—are not leading the applause on the Charlestown housing. I talked to one of the men on the telephone last night. He said to me, and it impressed me, "We have got something over here in the shadow of Bunker Hill in Charlestown that a lot of millionaires haven't got. We have got peace and contentment and happiness in American homes, and we don't want to lose them." He said, "I was born and reared here; I don't need housing." He said a high-pressure salesman came in some while back and told him in effect that they were going to take the house, and he said, "The house is not for sale; I intend to die here," and the man had one of these options with him and he told the gentleman where he should sign on the dotted line, and the price, and this little property owner in Charlestown said, "Why, I paid more than that for the house before I put in electricity and gas and new windows and two bathrooms and a new roof and about 50 feet of fence." And a high-pressure salesman said, "Well, that is all washed up." He said, "You will either sign the sale or the United States Marshal will be over here and put your furniture out on the sidewalk or into storage." They tell us that a lot of those buildings are unsanitary and not fit to live in, and this Charlestown resident said to me, "Then we ought to fire the Board of Health, if that is so, if they are unsanitary to the extent that they are unfit to live in." He told me about another home and about an old lady who has lived in that home for the past forty-seven years. She doesn't want to sell. Yet all that this order is particularly aimed at today is the fact that if these eminent domain proceedings do go through the average little home owner in Charlestown, for example, is given the alternative of accepting the price that the Housing Authority feels is a fair market value for that house—and, incidentally, in some instances less than the assessed value—or holding out for his rights in court proceedings. The result will be that a little fellow who owns his home in Charlestown and who refuses to sign on the dotted line won't get the price, as I understand it, that the Housing Authority says is a fair price, and for all he knows he can starve to death unless that either ends the case or the local Superior Courts are reached for a trial to determine what a fair price is for the house. I feel that in all fairness—and maybe they plan to do it that way—in all fairness, if these eminent domain proceedings are to go through, there is a moral, ethical duty on the Housing Authority to pay over to those owners, if there is anything left after the mortgages, the price that they say is a fair price for that home, with the property owner still retaining the right to hold out for the figure over that which a Suffolk County jury, for example, may say that the house was really worth. So that in closing on this matter, Mr. President, I say that we have now reached a stage where this low rent housing arrangement is, first of all, unfair to the poor of Boston, including the persons on W. P. A. and the city welfare rolls, numbering over 52,000; in the second place, unfair to the taxpayers of Boston, from whose properties it is contemplated 35,000 families will eventually be moved; in the third place, unfair to the property owners of Boston who must still be locally taxed in competition with the housing properties which are tax free, and taxed in greater measure due to the substitution of tax free property for taxable properties; fourth, unfair to those persons who are required at their own expense to move out of the areas affected but who, not being eligible for admission to the housing projects, must find homes elsewhere in some other communities, in such places as they can; and finally, unfair to those resident property owners in the districts affected whose homes are being taken by eminent domain but who must wait a period of years for court determination of the value of their property, unless they willingly accept valuations set by agents of the Boston Housing Authority, perhaps below even the assessed valuations on which

taxes have been paid. Most of those people have not got either of two important things. In the first place, they have not got the price to hire some high-priced lawyer to go up and fight an eminent domain case and get a fair value; and in the second place, most of them are in a financial situation where they must take the figure offered by the Housing Authority or starve for the next two years. Now, I would like to ask that this particular order which I have presented he sent to the Executive Committee. With the consent of the Council I would like to have corroborated some of the things that I have said, and I am going to ask the privilege of having a couple of Charlestown residents tell the Council their feelings on this particular order.

President MURRAY—If there is no objection the matter will be referred to the Executive Committee.

Coun. GALVIN—Mr. President, I have listened for the past ten or fifteen minutes to the eloquent speech of the councilor from Dorchester, in which he referred to Charlestown as he probably sees it by going in in the Elevated train but never having lived there. The section of which he speaks, where the housing project is to be set up, is approximately 65 per cent owned by the individuals who live in the neighborhood. He is probably quite right when he states that there are mortgages which are in excess of some of the properties that are owned. I can recall a good many years ago, when the high pressure salesmen came along selling properties in Charlestown with mortgages, that they were taken up by the banks, like the Medford Trust Company and the Charlestown Co-operative Trust Company and the Highland Trust Company, and a few other of the closed banks, where various people in the district had their money invested. I can recall that period of time back in 1924, 1926, 1928 and 1929, when all this money was put out in Charlestown, when there were different kinds of times. Certainly there were high values on property at that time. There is no question that the people did take the money and repaired their properties, did what they could with it over there in Charlestown. They were interested in their district. There is absolutely no question that there are some pieces of property over there which have no bathrooms, there are a lot of properties over there where they still have to go down into the cellar to go to the bathroom, there are a lot of properties over there where you could break through the side walls, there are a lot that are so old and decayed that when the people move out of the properties it is only a matter of two or three weeks before they are in such a deplorable condition that they are a disgrace to the city. It is perfectly all right for the twenty-two members of this Council to live in good, clean, decent homes. That is perfectly good. But there are some conditions in Charlestown, through no fault of the people themselves, but just the condition in which they have to live, because the times are so bad, where the houses are 100, 150, or 160 years old, some of them. But what are they going to do? Are they going to continue to live on in this property while the process of modernization goes on in Dorchester, Roxbury and Hyde Park? Surely there must be some return to a place like Charlestown, where the last piece of property was put up about forty years ago. Speaking of homes—why should not Charlestown receive a benefit? As far as the postal cards are concerned, I did not say there are 6,000. I do not say there are 4,000. Instead of 4,000 there are 3,600 postal cards, with Uncle Sam's signature on them, stamped on the front of them, and I defy the councilor or Uncle Sam or anyone to take me up and try to convince this City Council that I am using the mails to defraud,—to defraud the people of Boston into believing that the people of Charlestown are that percentage in favor of it. And I say in conclusion, gentlemen, that Charlestown will take three or four more of these projects if they can get them. We will let the whole town be built up, and I have the signatures of approximately 4,000 people in Charlestown, with Uncle Sam's stamp right on the front of the postal card. That is a matter of public record, to be taken up at the post office if there is anything to be done about it.

Coun. WILSON—Mr. President, I am glad to have the councilor from Charlestown corroborate my impression that the story in the Sunday papers was to that extent inaccurate, and with all due apologies to him this is what I read on the front page of the Boston Herald yesterday:

#### "FAMILIES FAVOR PLAN.

The approximately 800 families in the district of the proposed Charlestown project declared themselves in favor of Federal housing by four to one in a recent postcard poll conducted by City Councilman William J. Galvin, he revealed last night. About a month ago, he said, he sent 10,000 postcards to families throughout Ward 2, asking them to signify whether they favored a Federal housing project.

Of 6,000 replies, 5,500 approved the project, 400 disapproved and 100 were blank. Voting in the area selected for the proposed project was four to one in favor of Federal housing, Galvin said.

I am very glad to know that that newspaper report was in error and that those figures are now revised at least down to 3,600 postcard replies. Now, with reference to the postcard poll in Charlestown, I hear this in mind,—that the people most likely interested are the 676 families who live in the area affected, and I would like to see a postcard poll that really polled the 676 families living in the twelve streets affected. Those are the people whose homes are being taken away from them. Those are the people who have been told that the United States Marshal will move them out if they do not get out, and those are the people, I feel, who have the right to express an opinion on a postcard poll as to how they feel one way or the other. I will frankly admit that if there are residents in that particular section who want such a poll, I will distribute the postcards and will take care of the poll of the 676 families on those twelve streets myself just for my own information.

Coun. GALVIN—Mr. President, I will send for my postcard poll so that the councilor from Dorchester may have an opportunity to look at it.

President MURRAY—The matter has been referred to the Executive Committee.

#### WARD 20 STREETS.

Coun. LYONS offered the following:  
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install sidewalks on the following streets in Ward 20, under the W. P. A. plan of construction: Linnet street, Oriole street, Vermont street, Bellevue street, March avenue, Wren street.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out the following streets in Ward 20: Rumford street, Dunwell street, Quinn way, Woodard road, from Wren to Park streets.  
Severally passed under suspension of the rule.

#### WARD 11 IMPROVEMENTS.

Coun. CAREY, for Coun. Englert, offered the following:

Ordered, That the Board of Street Commissioners be requested through his Honor the Mayor, to accept and lay out as a public highway, under the W. P. A. plan of construction, Codman park, Ward 11, northwesterly and southeasterly from the south end of the present Codman park.

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to resurface with smooth paving, under the W. P. A. plan of construction, Haverford street, Ward 11.  
Severally passed under suspension of the rule.

#### BEACH IN CHARLESTOWN.

Coun. GALVIN offered the following:  
Ordered, That the Park Commission be requested, through his Honor the Mayor, to formulate plans and request a W. P. A. project for the establishment of a beach in Charlestown, from Chelsea street to Mystic street, along the banks of the Little Mystic river, to be used as a recreation center for the tenants of the Federal Housing Unit in Charlestown and the general public.

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to



cooperate with the Park Commission of the City of Boston for the establishment of a beach in Charlestown, along the banks of the Little Mystic river from Chelsea street to Mystic street, for the recreational benefit of the tenants of the Federal Housing Project and the general public.

Severally passed under suspension of the rule.

#### SURVEY OF HOUSING PROJECTS.

Coun. SULLIVAN and HUTCHINSON offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to make another survey of the districts in which Federal Housing Projects are to be started with a view of further looking into the values of the properties and increasing the appraised value now set in order that no injustice will be done to those who have put into same their life savings.

Passed under suspension of the rule.

#### OPPOSITION TO HOUSE BILL 116.

Coun. WILSON offered the following:

Ordered, That the Boston City Council be recorded as opposed to House Bill 116 now pending in the Massachusetts Legislature.

Referred to Executive Committee.

#### RECESS.

By direction of President Murray the Council took a recess at 3.05 p. m. The members reassembled at 6.11 p. m.

#### THE NEXT MEETING.

On motion of Coun. McMAHON the Council voted that when it adjourns it be to meet on Monday, June 5, 1939, at 2 p. m.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusement, viz.:

Ellen F. Carney, St. Mary's Hall, June 19; James A. Shanahan, Jordan Hall, May 25; Ruth M. McShane, Forester's Hall, June 9; Hazel Boone, Jordan Hall, June 5; Anna M. Greene, Current Events Hall, May 20, 22; Gabriel Cohen, Regent Manor, May 21; M. Theresa Connell, B. Y. W. C. A., June 1; Ursula M. Loughran, Peabody Playhouse, June 1,—recommending that leave be granted on usual conditions.

Report accepted; leave granted on usual conditions.

2. Report on order (referred today) concerning reorganization and consolidation of fiscal departments of city—recommending passage of accompanying new draft, viz.:

Ordered, That his Honor the Mayor be requested to consider presentation of an order for Council consideration for the reorganization and consolidation of the fiscal departments of the city.

Report accepted; order passed.

3. Report on message of Mayor and order (referred today) transferring land at 312 Albany street to Public Works Department—that same, ought to pass.

Report accepted; said order passed.

4. Report on ordinance (referred May 15) imposing license fee of \$20 for cigarette and tobacco vending machine—that same ought to pass.

Coun. ROSENBERG—Mr. President, without going into any lengthy discussion on the ordinance, I believe that at the executive session the Corporation Counsel expressed the opinion that a license fee of \$25 would be declared unconstitutional, and when asked concerning the present ordinance of \$20, although not committing himself, as he did not want to advise the Council on the amount of the fee, he suggested that he did not want to advise the members of the Council to pass

any bill that would be declared unconstitutional and in his opinion he felt that a \$20 license fee would be held unconstitutional in view of the sum set for the service to be rendered, and in order that we might not be placed on record as passing an ordinance that is going to be vetoed or declared by the courts of this Commonwealth to be unconstitutional—and I don't believe that we ought to be in a position of passing acts that we feel are not constitutional or that would be vetoed, as a testing ground—I therefore move that this ordinance be amended by striking out the words "twenty dollars," and inserting in place thereof the words "five dollars."

Coun. AGNEW—Mr. President, it is very interesting indeed to listen to one of the councilors of the City of Boston, knowing that the City of Boston is trying to obtain new revenue, and hear the councilor express himself in such a manner when it is proposed that the city do get some needed revenue by licensing these machines.

Coun. SHATTUCK—Mr. President, it is not clear to me that this is a new revenue measure, but it is a new activity. It is an activity in which we are not engaged. We can't charge for an activity more than substantially what it will cost to undertake the activity. I am not in favor of any license at any figure until it is shown that it is really accomplishing some useful public purpose. It means one more expenditure, one more tax, and more people on the pay roll.

The question came on the amendment of Coun. Rosenberg.

Coun. ROSENBERG—Mr. President, in answer to the councilor from the Allston-Brighton district, let me state that I am perhaps as much interested in the City of Boston as he is, or any other member of this Boston City Council, in so far as bringing revenue into the City of Boston is concerned, but what I am interested in is the members of the Boston City Council not sitting down and passing such ordinances or rules or regulations as will be declared unconstitutional. If we could get a \$100 license fee I would be in favor of it, but we can't. We have had the license bill already turned back to us on two or three occasions. We have also received an opinion from the Law Department that in their opinion a \$25 license fee would be unconstitutional, and I therefore feel that we ought, if we are going to pass any ordinance, to pass an ordinance which will be constitutional and which will bring revenue into the city, and an ordinance which will not cost the city any money to enforce. There is going to be no expense attached to giving a \$5 license, and if we pass anything else we are really passing a tax, which is indeed a sales tax, and when we start putting a sales tax on one line of merchandise we might as well put it on everything and say that we are in favor of the sales tax on sales of merchandise in Boston. I feel that when we pass this amendment we will really be passing a license fee, that there will be no additional expense so far as the Police Department, the Sealer of Weights and Measures, or the other departments that have been mentioned here are concerned. Looking at it from the standpoint of the Police Department, the Health Department, and the Sealer of Weights and Measures, there will be no additional duty involved, there will be no additional expense involved, but we will be getting \$5 per machine whether they are tobacco machines or other machines which we may license in the City of Boston in order to bring in revenue. And, as I have said before, I am interested in bringing as much revenue into the city as possible, but I am not interested in trying to put through an ordinance which will be declared unconstitutional. With my limited knowledge of the law I feel that this matter would be returned vetoed, or as unconstitutional.

The question came on Coun. Rosenberg's amendment to reduce the license fee from \$20 to \$5. The roll was called and the amendment was defeated, yeas 4, nays 10:

Yeas—Coun. Hutchinson, Langan, Rosenberg, Shattuck—4.

Nays—Coun. Agnew, Carey, Chase, Fish, Galvin, Kelly, McMahon, Murray, Taylor, Wilson—10.

The question came on the passage of the original ordinance as submitted. The ordinance was adopted.

5. Report on order (referred May 8) that Finance Commission investigate expenditures of Court House Commission in erection of new court house building—that same ought to pass.

Report accepted; said order passed.

6. Report on order (referred today) for public hearing to ascertain public sentiment on Federal housing projects—that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. GALVIN—Mr. President, on this particular order there is no date set when there will be a public hearing. I believe that before we act on this particular order we either should accept or reject the order which has been before the City Council the past three weeks relative to housing. There is no question in my mind that if we hold a public hearing here in Faneuil Hall the people who are in the poorer sections of Boston, whose families are out working, who would receive the benefits of the new housing in Boston, will be unable to attend the public hearing in Faneuil Hall. I believe that most of the people who would be here would be the Taxpayers' Alliance, and so on, who are opposed in general to it, and that there is not a hall in Boston large enough to house every voter in Boston, whether for or against housing. I hope that we will reject this order.

Coun. TAYLOR—Mr. President, am I out of order in asking whether or not a motion will lie to lay it on the table?

President MURRAY—Such a motion would not be out of order.

Coun. TAYLOR—Mr. President, I so move.

The question came on motion of Coun. TAYLOR to lay the matter on the table. The motion was declared carried. Coun. CHASE doubted the vote and asked for the yeas and nays. The roll was called and the motion to lay on the table was lost, yeas 6, nays 7:

Yeas—Coun. Agnew, Fish, Galvin, Hutchinson, Murray, Taylor—6.

Nays—Coun. Carey, Chase, Kelly, McMahon, Rosenberg, Shattuck, Wilson—7.

The question came on the passage of the order as reported. The order was declared lost. Coun. GALVIN doubted the vote and asked for the yeas and nays. The roll was called and the order was passed, yeas 8, nays 5:

Yeas—Coun. Carey, Chase, Kelly, Langan, Murray, Rosenberg, Shattuck, Wilson—8.

Nays—Coun. Agnew, Galvin, Hutchinson, McMahon, Taylor—5.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

Report on petitions for driveway openings, viz.: Commonwealth of Massachusetts (referred today), 145 Nashua street; Boston & Maine Railroad (referred today), at 135 Nashua street; Superior Realty, Inc. (referred May 15), at West Third and Athen streets, Ward 6; White Tower Management, Inc. (referred May 15), at 10-14 Brookline avenue,—recommending that leave be granted under usual conditions.

Report accepted; leave granted under usual conditions.

#### SOLDIERS' RELIEF.

Coun. CAREY, for Coun. Englert, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of May.

Report accepted; said order passed.

#### OPENING OF SCHOOLYARDS, WARD 13.

Coun. HUTCHINSON offered the following:

Ordered, That the School Committee be requested, through his Honor the Mayor, to keep the schoolyards in Ward 13 open after school hours and during the summer vacation period in order that the children of the district may have a safe place in which to play.

Passed under suspension of the rule.

#### MONTHLY LOTTERY FOR RELIEF PURPOSES.

Coun. HUTCHINSON offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to draft a bill for presentation to the Legislature which will authorize the City of Boston to conduct a monthly lottery, the proceeds of which will be turned over to the Public Welfare Department to be used for relief purposes.

Coun. HUTCHINSON—Mr. President, I feel that with the present burden on the taxpayers of the City of Boston it would be a good plan to have a lottery run by the City of Boston once a month. I feel that thereby we will receive probably the whole amount of the welfare expense to the City of Boston. There will be a secondary feature to it, in that it will stop a great many people from buying "nigger" pool chances, and this money will be forced to go into legitimate channels and will be used for the benefit of the taxpayers of the city.

The order was referred to the Executive Committee.

#### PRIVILEGED STATEMENT BY COUNCILOR CAREY.

Coun. CAREY—Mr. President, I ask unanimous consent to make a statement.

There was no objection.

Coun. CAREY—Mr. President, I ask unanimous consent to make a statement. My attention has been called to an article appearing in a column entitled "Boston After Dark," in last Saturday's edition of a local daily newspaper, the article written by Mr. George Holland. Now, Mr. President, I have no intention of directing any part of my remarks as an attack on this newspaper itself, for I have been a constant reader of it for the past thirty-three to thirty-four years, and the fact that I have been a reader of it for such a long period of time fully attests to my high regard for this newspaper, and I don't believe that the editor or other managing officials of this publication will sanction such unfair and miserable tactics as were employed by Mr. Holland in his article on Saturday last. In fairness to me personally and to practically every other member of this Body I cannot allow Mr. Holland's article to go unanswered. Mr. Holland, what prompted you to write such a vicious and unfair article? I have maintained a friendly feeling toward you always and was among those honoring you at a testimonial banquet last year. Mr. President, I repeat here again today what I wrote in letters to the editors of the Boston Post and Boston Globe that the City Council did not eliminate from the budget of the Sanatorium Division of the Boston City Hospital an item of \$100 for transportation of entertainers to the Mattapan Sanatorium. I insist again here and now that the Committee on Appropriations at no time considered eliminating \$100 from the item to which this transportation expense is charged. I again ask, Mr. Holland, why did you paint such a grossly untrue picture in your attack on me personally in your article in last Saturday's column? In Item 42 in last year's Sanatorium budget the Mayor allowed \$190, out of which amount Doctor Bogan spent \$173.94. This year in that item Mayor Tobin allowed \$360, an increase of \$170 over last year's allowance. The City Council has not yet acted on the budget. It has not, and does not intend to cut \$100 from this item. Mr. Holland, in your article last Saturday you printed the following question asked by me of Doctor Bogan at the budget hearing: Q. (By Carey.) You have \$100 charged for concerts. Do you make use of the W. P. A. entertainment bureau? As a matter of fact, Mr. Holland, the word "have" in my question should read "had". But at any rate, Mr. Holland, my question was asked in good faith and was prompted after I noticed on the detailed breakdown sheet accompanying the budget that \$100 had been set up for concerts, shows, talent, etc., and \$400 for extermination of insects, etc., a total of \$500 against which sum \$360 had been allowed by the Mayor, an increase of \$170 over last year's allowance. Mr. President, many members of this Council in arranging for entertainment for July 4th and for other occasions have resorted to the W. P. A. entertainment bureau and my question of Doctor Bogan was actuated by my desire to give the unfortunates at the Sanatorium more entertainment, rather than

less, by suggesting that talent from W. P. A. might be engaged in addition to that engaged from other sources. Why, Mr. Holland, in your attempt to build up a false case, are you so unfair as to dare imply that I, or any other member of the Council, intended to cut \$100 from this item? Although I personally can ill afford it, I would sooner contribute \$100 from my own pocket rather than eliminate \$100 from any budget for such a worthy purpose. Mr. President, my "letters to the editor," to which Mr. Holland refers in his article, were written to correct a statement conveyed in a reader's letter to the papers concerned, wherein the reader, one William S. Hennessy, Jr., stated, "At a meeting of the City Council in regard to the budget it was decided to eliminate \$100 to transport by his various groups of entertainers to the Mattapan Sanatorium. . . . My letters to the editors replying to this mis-statement of fact read as follows: "The City Council did not eliminate from the Mattapan Sanatorium budget the \$100 item to transport by his various groups of entertainers. As a matter of fact, the item in the budget to which this expense is charged has been increased this year by the Mayor from \$190 to \$360 and the Council Appropriations Committee has no intention of cutting down this item." Mr. Holland you did me a great injustice and you went a long way off your course in trying to frame up your untrue and grossly unfair article in last Saturday's column. Possibly you were ill-advised. You are in a very advantageous position in editing that column, but you don't mean to be so unfair as to take the advantage of your advantageous position that you did last Saturday, do you Mr. Holland? You don't mean to purposely hit below the belt, do you? The question actually is whether or not the Council eliminated the item of \$100. It did not, Mr. President. Every fair-minded reader will condemn the unfair tactics used by Mr. Holland last Saturday and in justice to me he should retract the untruth in his article and acknowledge the actual truth.

#### ARC LIGHT, BLAKEMORE STREET, WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to install an arc light on Blakemore street, Ward 19, on the railroad bridge.

Passed under suspension of the rule.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

Report on petition of William A. Fox (referred May 15) to be reimbursed for amount of judgment issued against him on account of his acts as operator of motor vehicle belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of seventy-five dollars (\$75) be allowed and paid to William A. Fox in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

2. Report on petition of Albert L. Edson (referred May 15) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Park Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one thousand dollars (\$1,000) be allowed and paid to Albert L. Edson in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Park Department, said sum to be charged to the Contingent Fund.

Passed under suspension of the rule.

#### DUST NUISANCE, HUNTINGTON AVENUE.

Coun. CHASE offered the following:

Ordered, That the Transit and Public Works Commissioners be requested, through his Honor the Mayor, to abate the dust nuisance on Huntington avenue, caused by the construction of the Huntington Avenue Subway, by thoroughly cleaning and oiling the areas complained of.

Coun. CHASE—Mr. President, I do not care to be put in the position of criticizing either the Public Works Commissioner or the Transit Commission. I realize that they have plenty of problems to attend to, and they are doing the best they can. Nevertheless, Huntington avenue today is in a terrible condition, inasmuch as the subway construction has caused sand and gravel and dirt and dust to accumulate on the highway which is not torn up. The result is that passing automobiles cause large dust clouds to rise up and go into the homes. I have had scores of complaints in the past few weeks. I will admit that the Transit Commission has been attempting to do away with this nuisance, but it is far from abolished. As a matter of fact, last Friday a number of people complained to me again, and even went so far as to say that Huntington avenue was in as bad condition as the Sahara Desert in the midst of a sandstorm. I trust, Mr. President, that when the Transit Commission and Public Works Commissioner get this order they will do everything within their power to abolish this nuisance.

The order was passed under suspension of the rule.

#### HEARINGS IN EACH WARD ON HOUSING PROJECTS.

Coun. GALVIN offered the following:

Ordered, That the Executive Committee of the City Council hold public hearings in each ward of Boston to determine the sentiment of the people of each ward in connection with further Federal housing in Boston.

Coun. GALVIN—Mr. President, in view of the fact that I have approximately around 4,000 cards from the constituents in my district and approximately 3,600 favor Federal Housing, if we are going to give the public a real opportunity to voice their sentiments relative to housing I see no reason in the world why the twenty-two members of the City Council can't go into every ward in Boston and get the real sentiment of the people, who can thus attend a local public hearing, instead of having to take a day off from their employment to come in here to Faneuil Hall. I believe there should be twenty-two nightly hearings, one in each ward of Boston, so that we can get a real, honest sentiment from the people.

The question came on the suspension of the rule and the passage of the order. The order was declared passed. Coun. WILSON doubted the vote and asked for the yeas and nays. The roll was called, with the following result:

Yeas—Coun. Agnew, Carey, Galvin, Hutchinson, Kelly, Langan, McMahon, Murray, Rosenberg, Taylor, Wilson—11.

Nays—0.

President MURRAY—The roll call showing that less than a quorum is present, the Council stands adjourned.

Adjourned at 6.40 p. m., to meet on Monday, June 5, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, June 5, 1939.

Regular meeting of the City Council in Faneuil Hall, at 2 p. m., President MURRAY in the chair. Absent, Coun. Harris and Norton.

## JURORS DRAWN.

Jurors were drawn under the law, Coun. SHATTUCK presiding at the box on the grand jurors and Coun. TAYLOR on the traverse jurors, in the absence of the Mayor, as follows:

Twenty-two grand jurors, Superior Criminal Court, to appear July 3, 1939:

Chester A. Bryant, Ward 2; Courtlandt B. Hull, Ward 3; Michael Comella, Ward 5; Harry M. Furbur, Ward 5; Thomas F. Allen, Ward 6; Frank G. Rockwell, Ward 6; Francis X. Thompson, Ward 9; James M. Willis, Ward 9; Bernard C. Thurston, Ward 10; Leonard R. Johnson, Ward 11; Samuel Gilbert Berger, Ward 14; Hugh R. Caseley, Ward 14; John J. Matthews, Ward 15; Henry R. Madden, Ward 16; Fred J. Barnstead, Ward 17; Carl H. Eriksen, Ward 18; Clark C. Curtis, Ward 19; P. Joseph Devlin, Ward 19; John F. Mackenzie, Ward 19; Harold C. Atlas, Ward 21; William C. Harding, Ward 21; Robert H. Harris, Ward 22.

Sixty-one traverse jurors, Superior Criminal Court, to appear July 3, 1939:

Edward A. Beale, Ward 1; Daniel Leonard Ford, Ward 1; Clarence T. McIntyre, Ward 1; James E. Miller, Ward 1; John M. O'Connell, Ward 1; Martin J. Regan, Ward 1; Patrick Henry Sullivan, Ward 1; William Hennessey, Ward 2; John F. Murray, Ward 2; Paul J. Tibbetts, Ward 3; Earl D. Gaskell, Ward 4; Axel M. Johnson, Ward 4; John J. Moynihan, Ward 4; Joel D. Harvey, Ward 5; James Adams, Ward 6; Joseph F. Cavanagh, Ward 6; John E. McLaughlin, Ward 6; Charles M. H. Martens, Ward 7; John H. Crosby, Ward 8; William G. Higgins, Ward 8; William H. Davies, Ward 9; Frederick H. Ehret, Ward 9; Herbert W. Turner, Ward 9; William J. Brown, Ward 10; Michael W. Callanan, Ward 10; Joseph F. Guinan, Ward 10; Edward P. McCusker, Ward 10; Richard J. McNicholas, Ward 10; Edward E. Walsh, Ward 10; John A. McDonald, Ward 12; Stephen A. Donlan, Ward 13; Francis A. Dudley, Ward 13; John P. Gillespie, Ward 13; Arthur B. Gordon, Ward 13; Joseph F. Kelly, Ward 13; Benjamin Bergman, Ward 14; Solomon Herman, Ward 14; James MacEachern, Ward 15; John A. MacLeod, Ward 15; Patrick Sweeney, Ward 15; John J. Cooney, Ward 16; Thomas C. Hunt, Ward 16; Walter E. Leslie, Ward 16; James E. McConnell, Ward 16; John J. Vaughan, Ward 16; Richard Crowther, Ward 17; William S. Kenney, Jr., Ward 17; Carl W. Nelson, Ward 17; James F. Oliver, Ward 17; George J. Quinn, Ward 17; Julius J. Sandberg, Ward 17; Archie L. Massey, Ward 18; William P. Slattey, Ward 18; William B. Seminar, Ward 19; Joseph E. Scanlon, Ward 20; Norman E. Heath, Ward 21; John Hayward Marshall, Ward 21; William J. McGaffee, Ward 21; John J. Buckley, Ward 22; Joseph W. Maguire, Ward 22; Jeremiah J. Melia, Ward 22.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Constables, for the term of one year beginning with first day of May, 1939, with authority to serve civil process upon filing the necessary bonds: George A. Graham, 274 Beacon street, Ward 5;

James McGrath, 15 Fountain street, Ward 12; William J. McCorkle, 50 Rockne avenue, Ward 16. Weigher of Coal: Julius Stepat, 445 Elm street, Braintree, Mass. Severally laid over a week under the law.

## VETO OF VENDING MACHINE ORDINANCE.

The following was received:

City of Boston,

Office of the Mayor, June 2, 1939.

To the City Council.

Gentlemen,—I return herewith without my signature and disapproved the ordinance passed by your Honorable Body on May 22, 1939, establishing an annual fee of \$20 for each cigarette vending machine in use in the City of Boston.

My veto of this proposed ordinance is predicated upon the same reasons as outlined in my veto message of May 12, at which time a proposed ordinance establishing a \$25 annual license fee for cigarette vending machines was disapproved by me.

I am pleased to note and to acknowledge the revenues of the city at a time when such increase is so necessary. However, while it is extremely desirable and necessary that the income of the city be increased wherever possible, it is also necessary, in an ordinance presumably based upon the police power, to observe the limitations placed upon the exercise of such power so that it shall be reasonable and not oppressive.

Therefore, if the City Council sees fit to enact an ordinance providing for a license fee of \$5.00 for each cigarette vending machine, I am prepared to approve it, believing that such a license fee would provide the city with additional income without the danger of subsequent adverse action by the courts.

For the reasons stated, I hereby veto the ordinance as passed by your Honorable Body on May 22, 1939.

Respectfully,

MAURICE J. TOBIN, Mayor.

Coun. WILSON—Mr. President, in view of the suggestion made at the last meeting by Corporation Counsel Parkman that he felt the Council should carefully go into the question of the amount of work necessary for the city departments incident to such a license fee, although the question was not gone into at any great length in the license fees which were passed on earlier in the year, may I ask that Corporation Counsel Parkman be sent for in order that he may enlighten the Council, in light of the study which now has apparently been made, whether the amount of work necessary by the Board of Health and the Sealer of Weights and Measures and the Police Department would justify a \$5 license fee.

President MURRAY—The message will be placed on file and the City Messenger will invite the Corporation Counsel to come to the executive session.

## EVERGREEN STREET, WARD 10.

The following was received:

City of Boston,

Office of the Mayor, June 5, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 15, 1939, concerning the resurfacing of Evergreen street, Ward 10, under the W. P. A. plan of construction.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department, June 2, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface Evergreen street, Ward 10, under the W. P. A. plan of construction.

We will endeavor to have this street constructed this year.

Respectfully,

GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## CLEANING GUTTERS, WARD 20.

The following was received:

City of Boston,  
Office of the Mayor, June 1, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 24, 1939, concerning the cleaning of the gutters in all side streets in Ward 20 to prevent clogging of the sewers.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 23, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have a copy of the following order that was passed in the City Council on April 24:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to clean the gutters in all side streets in Ward 20 to prevent clogging of the sewers."

Heretofore, the street cleaning in Ward 20 was under the jurisdiction of the Paving Service, that is, we had no separate street-cleaning organization in that section. With the depletion, however, of the personnel in the Paving Service, we were unable to maintain the standard of street cleaning to which we aspired.

Starting Wednesday, May 24, we are going to organize a new street-cleaning force, with headquarters at the office on Walter street, near Centre. The section to be covered by the new street-cleaning district will be the area south and west of the West Roxbury Parkway as far as the Brookline, Newton and Dedham lines. While we are starting with only a small organization, I anticipate, if the budgetary allowances will permit, purchasing a mechanical street sweeper to be used in the district, thereby aiding to a large degree the manual force.

I am confident that hereafter the streets in Ward 20 will be kept in a cleaner condition, which will more than justify the setting-up of a separate street-cleaning force in that area.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## STAIRWAY, JOHNSWOOD ROAD, WARD 19.

The following was received:

City of Boston,  
Office of the Mayor, June 1, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of April 24, 1939, concerning the making of the needed repairs to the public stairway leading into Johnswood road, Ward 19.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 24, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works make needed repairs to the public stairway leading into Johnswood road, Ward 19.

This will advise you that the necessary work on this stairway has been submitted for approval on a W. P. A. project to be done this year.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## RESURFACING OF WARD 13 STREETS.

The following was received:

City of Boston,  
Office of the Mayor, May 29, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 24, 1939, concerning the resurfacing of the following streets:

Bird street, from Magnolia street to railroad;  
Dewey street, Fairbury street, Wayland street,  
Balfour street, Mascoma street, Everett avenue,  
Hinckley street, Morrill street, Bakersfield street,  
Dacia street, Woodcliff street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 26, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface the following streets in Ward 13 under the W. P. A. plan of construction.

Bird street, from Magnolia street to railroad;  
Dewey street, Fairbury street, Wayland street,  
Balfour street, Mascoma street, Everett avenue,  
Hinckley street, Morrill street, Bakersfield street,  
Dacia street, Woodcliff street.

Bird street, from Magnolia street to railroad;  
Wayland street, Balfour street, Mascoma street,  
Hinckley street; Morrill street and Woodcliff street are all in fair condition and in no immediate need of reconstruction.

Fairbury street, Dewey street, Everett avenue and Bakersfield street are on approved W. P. A. projects.

Dacia street will be submitted for approval on a W. P. A. project for construction this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## PARSONS STREET UNDERPASS, WARD 22.

The following was received:

City of Boston,  
Office of the Mayor, June 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 1, 1939, concerning the making of a survey of conditions at the Parsons street underpass, Ward 22.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, June 1, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have a copy of the following order that was passed in the City Council on May 1, 1939:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a survey of conditions at the Parsons street underpass, Ward 22, and to confer with the Boston & Albany Railroad and Public Utilities authorities relative to the possibility of improving conditions at that point."

The present width between the abutments of the bridge is approximately 19 feet. This results in a dangerous condition to pedestrians, as there are no sidewalks under the bridge and two-way traffic is maintained at all times.

We have interviewed the chief engineer of the Department of Public Utilities and the chief engineer of the Boston & Albany Railroad relative to certain improvements that we propose making at this location, and, while they are perfectly agreeable to approving any improvements that we might make, they cannot suggest any ways that funds may be appropriated by some agency other than the City of Boston to pay a proportionate share of the improvements.

The only real solution to the present problem is to widen the street to a width of 50 feet, which would necessitate the construction of a new bridge at a cost of approximately \$150,000, which cost would have to be borne in its entirety by the City of Boston. To construct an underpass for the use of pedestrians only would cost approximately \$25,000.

In view of the present financial condition of the city, I am precluded from approving the expenditure of any funds in the above-stated amounts for the proposed improvements.

We anticipate starting some time this year the resurfacing of Parsons street, from Washington to North Beacon street. At that time we propose

making a study of the practicability of constructing a 4-foot sidewalk on the easterly side of the roadway underneath the bridge structure, the sidewalk area, of course, to be protected by a 3-foot high pipe rail fence.

Although this proposal is only a partial solution to the problem, I feel that it will afford some protection to the pedestrians and improve considerably the present hazardous conditions at this location.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

CHURCH STREET, WARD 15.

The following was received:

City of Boston,  
 Office of the Mayor, June 1, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 22, 1939, concerning the resurfacing with smooth pavement of Church street, Ward 15, under the W. P. A. plan of construction.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department, May 29, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works, resurface with smooth pavement Church street, Ward 15, under the W. P. A. plan of construction.

Please be advised that this street will be submitted on a W. P. A. project for approval later on this year.

Respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

DUST NUISANCE, HUNTINGTON AVENUE.

The following were received:

City of Boston,  
 Office of the Mayor, June 1, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 22, 1939, concerning the abating of dust nuisance on Huntington Avenue Subway by thoroughly cleaning and oiling the areas complained of.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department, May 29, 1939.  
 William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I am returning copy of the following order that was passed in the City Council on May 22:

"Ordered, That the Transit and Public Works Commissioners be requested, through his Honor the Mayor, to abate the dust nuisance on Huntington Avenue Subway by thoroughly cleaning and oiling the areas complained of."

I have taken up this matter with Col. Thomas F. Sullivan, Transit Commissioner, and he stated that a force of men is continually engaged in cleaning up excess accumulations of dust on Huntington avenue in order to reduce, in so far as possible, any source of nuisance to the residents and business men.

It is my understanding that he will take steps to oil the street, if necessity so requires.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

City of Boston,  
 Office of the Mayor, June 1, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Transit Department Chairman relative to your order of May 22, 1939, concerning the abating the

dust nuisance on Huntington avenue, caused by the construction of the Huntington Avenue Subway.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Transit Department, May 29, 1939.  
 William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order of the City Council, dated May 22, as follows:

"Ordered, That the Transit and Public Works Commissioners be requested, through his Honor the Mayor, to abate the dust nuisance on Huntington avenue, caused by the construction of the Huntington Avenue Subway, by thoroughly cleaning and oiling the areas complained of."

The Transit Department maintains a substantial force of men for the purpose of abating any dust nuisance.

Yours truly,  
 T. F. SULLIVAN, Chairman.

Severally placed on file.

WATER SHUT-OFFS.

The following was received:

City of Boston,  
 Office of the Mayor, June 1, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 15, 1939, concerning the shutting off or diminishing the supply of water on residential properties of owners who are receiving welfare or Old Age Assistance or who may be employed on W. P. A. projects.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department, May 29, 1939.  
 William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I am returning copy of the following order that was passed in the City Council on May 15:

"Ordered, That the Public Works Commissioner, through his Honor the Mayor, be instructed under no condition to shut off or diminish the supply of water on residential properties of owners who are receiving welfare or Old Age Assistance or who may be employed on W. P. A. projects."

It is not our policy to shut off or reduce the supply of water to a residence if we know that the owner is receiving welfare or Old Age Assistance. Owners are given ample opportunity to pay their water bills and in cases where they are unable to pay, due to their being on the welfare or Old Age Assistance rolls, they should notify us to that effect. The responsibility for this notification should rest entirely on the property owner, as it would be unreasonable to expect the department to secure this information from some other source.

I will not agree to exempt a home owner from paying water bills simply because he is employed by the W. P. A. It is quite probable that there are W. P. A. employees who are engaged in supervisory or executive positions and are financially able to pay their water bills. As in the case of those persons who are on welfare or Old Age Assistance rolls, it is the responsibility of a home owner to notify the department if he feels that he is entitled to an exemption in the payment of water bills, due to his being employed on a W. P. A. project. We assume, of course, that only those employed in some minor capacity would be entitled to any consideration. An impossible situation would result by exempting all home owners who are employed on the W. P. A. from paying water bills.

Unless a person is on direct relief, it is a rare case where a home owner is in such a position that he is unable to make any payment on his water bill.

The water bills must be paid, whether the owner of the property is employed on a W. P. A. project or in private industry, unless there is sufficient justification to grant exemptions or abatements.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

## REPAIRS TO MOTOR VEHICLES.

The following was received:

City of Boston,  
Office of the Mayor, June 5, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 1, 1939, concerning information relative to repairs to motor vehicles.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, June 2, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works advise the City Council relative to repairs to motor vehicles, etc.:

1. Passenger cars:
  - 1934 . . . 76.
  - 1935 . . . 79.
  - 1936 . . . 79.
  - 1937 . . . 82.
  - 1938 . . . 82.
  - 1939 . . . 75.
2. Trucks:
  - 1934 . . . 215.
  - 1935 . . . 213.
  - 1936 . . . 229.
  - 1937 . . . 235.
  - 1938 . . . 240.
  - 1939 . . . 236.
3. Automobile Mechanics:
  - 1934 . . . 21.
  - 1935 . . . 21.
  - 1936 . . . 22.
  - 1937 . . . 21.
  - 1938 . . . 22.
  - 1939 . . . 21.
4. Amount expended for repairs:
  - 1934 . . . \$104,922.28.
  - 1935 . . . \$115,681.85.
  - 1936 . . . \$81,363.53.
  - 1937 . . . \$57,964.56.
  - 1938 . . . \$50,787.97.
  - 1939\* . . \$21,894.03.
5. February, 1936.
6. (a) 1938:
  - A. & J. Auto Ignition.
  - Arcand Spring.
  - Bay State Auto.
  - Beacon Garage.
  - Bowers Motor.
  - Bowser Auto Service.
  - Callahan, L. B.
  - Clark & Sawyer.
  - Complete Auto Service.
  - Cote, R.
  - Dorchester Auto Service.
  - Eagle Square Garage.
  - Flaherty, W. H.
  - Fulton Radiator Company.
  - Gabriel, James.
  - Gar Wood Industries.
  - General Automotive Electric Company.
  - Griffin's Garage.
  - Hancock Auto Service.
  - Harkins Machinery Company.
  - Harvey Sales and Service Company.
  - Hogan, T. J., Company.
  - Kiley & Powers.
  - King, Edward.
  - Langille, H. C.
  - Mann, J. H.
  - Manning, J.
  - Manning, John.
  - Massachusetts Welding.
  - McEleny, Joseph.
  - McIntyre & Williamson.
  - New England Spring and Brake Company.
  - O'Meara Service Station.
  - Palmer Spring Company.
  - Partridge Auto Company.
  - Peterson, J.
  - Pope's Hill Garage.
  - Pratt Equipment Company.
  - Pratt, G. W.
  - Rapid Brake and Spring Company.
  - Reardon & Woodward.
  - Royal Glass Company.
  - Sterling Motors.

\* To May 22, 1939.

Strand Vulcanizing Company.  
Stutz Sales and Service.  
Sullivan, P. J.  
Sweeney, Joseph.  
Tursman, F.  
White Company, The.  
Wilbur, E. H.

6. (b) 1939:
- A. & J. Auto Ignition.
  - Beacon Garage.
  - Bowser Auto Service.
  - Clark & Sawyer.
  - Dorchester Auto Service.
  - Edson Company.
  - Gabriel, J.
  - Harvey Sales and Service.
  - King, Edward.
  - Kunkel, J.
  - Massachusetts Welding.
  - New England Spring Company.
  - Pratt Equipment Company.
  - Royal Glass Company.
  - Stutz Sales and Service.
  - Walsh Body, Inc.
  - White Company.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## SEWERS, ETC., GROVE STREET.

The following was received:

City of Boston,  
Office of the Mayor, May 31, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 1, 1939, concerning the making of a survey of the Grove street section of West Roxbury for the purpose of ascertaining what can be done in the matter of installing sewers and constructing streets.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, May 23, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Mr. Doyle,—I have received copy of the following order that was passed in the City Council on May 1:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a survey of the Grove street section of West Roxbury for the purpose of ascertaining what can be done in the matter of installing sewers and constructing streets."

The streets in the Grove street section, that is, the area bordered by Washington, Grove, Centre and Stimson streets, are private ways, and because of this the Public Works Department has no authority to enter them for the purpose of constructing the streets. Under the provision of section 10, of chapter 393, of the Acts of 1906, no public sewer, drain or water pipe shall be installed unless the location, direction, widths and grades of the streets are satisfactory to and have been approved in writing by the Board of Street Commissioners. None of the streets in this area comply with the provisions of this section and we are, therefore, prohibited from constructing sewerage works in any of the streets in that area.

Aside from the legal aspect, last summer we conducted a survey of all the property owners in this area, to determine if they desired to have sanitary sewers installed. The majority of the owners objected, probably because of the expense to which they would be subjected in making changes in their plumbing systems, in addition to the assessment that they would be required to pay for entering the public drain, as required by the provisions of section 10, of chapter 27, of the Revised Ordinances of 1925.

It will be necessary for the owners of the properties in this section to petition the Board of Street Commissioners for the acceptance of these streets. Most of the streets, however, are only 15 feet wide, and the Street Commissioners will not accept them as public highways unless provisions are made to widen them to a width of at least 30 feet, which, in many cases, would necessitate the relocating of



many of the residences. This, of course, would be an expensive procedure and I question whether it would be practical or judicious.

In view of the circumstances existing at the present time, we are prohibited from installing a sewerage system or constructing any streets in the area.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

**BROOKFORD STREET, WARD 13.**

The following was received:

City of Boston,  
 Office of the Mayor, June 1, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 1, 1939, concerning the resurfacing of Brookford street, Ward 13, under the W. P. A. plan of construction.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department, May 24, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface Brookford street, Ward 13, under the W. P. A. plan of construction.

I find, upon investigation, that this street is in fairly good condition and in no immediate need of reconstruction.

Respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

**HAVERFORD STREET, WARD 11.**

The following was received:

City of Boston,  
 Office of the Mayor, June 1, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 22, 1939, concerning the resurfacing with smooth paving, under the W. P. A. plan of construction, of Haverford street, Ward 11.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department, May 29, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement, under the W. P. A. plan of construction, Haverford street, Ward 11.

Please be advised the work on this street will start some time within the next week or ten days.

Respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

**SOFTBALL, AQUARIUM PARK.**

The following was received:

City of Boston,  
 Office of the Mayor, May 29, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of May 22, 1939, concerning the putting in condition for softball playing Aquarium Park.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Park Department, May 26, 1939.  
 Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Sir,—I have a memorandum from your office with inclosure, order from the City Council that the Park Commission be requested to put the Aquarium Park in suitable condition for softball playing.

This area is partly owned by the State,—we are trying to clean it up at the present time, but the ground is so soft we are not making the headway I anticipated we would, having to use the steam roller.

Please be assured that the grounds will be placed in condition at the earliest possible moment, as I promised the Pastor of St. Brigid's Church it would be done.

Very respectfully yours,  
 WILLIAM P. LONG, Chairman.

Placed on file.

**BEACH IN CHARLESTOWN.**

The following was received:

City of Boston,  
 Office of the Mayor, May 29, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of May 22, 1939, concerning the establishment of a beach in Charlestown, from Chelsea street to Mystic street, along the bank of the Little Mystic river.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Park Department, May 26, 1939.  
 Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Sir,—I have a memorandum from your office with inclosure, order from the City Council that the Park Commission be requested to formulate plans and request a W. P. A. project for the establishment of a beach in Charlestown, from Chelsea street to Mystic street, along the bank of the Little Mystic river, to be used as a recreation center for the tenants of the Federal Housing Unit in Charlestown and the general public.

I regret exceedingly to inform you this would be a very dangerous place to attempt to establish a beach. Furthermore, the water in the Mystic river, in many cases and at many times, is not fit to swim in. There are many reasons against the establishment of a beach at this point; it would incidentally necessitate the taking of private land but the principal one is that it would be one of the most dangerous places for bathing purposes anywhere I know of in this city.

Very respectfully yours,  
 WILLIAM P. LONG, Chairman.

Placed on file.

**WIRE FENCE, STELLMAN ROAD.**

The following was received:

City of Boston,  
 Office of the Mayor, May 29, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of May 15, 1939, concerning the erection of a wire fence on the Healey Field side of Stellman road in order that the property of residents might be protected from damage from batted or thrown balls.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Park Department, May 26, 1939.  
 Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Sir,—I have a memorandum from your office, with inclosure, order from the City Council that the Park Commissioner be requested to erect a wire fence on the Healey Field side of Stellman road.

This department has erected at divers times various fences to protect the property of the nearby residents. We never asked the abutters to pay any portion of the cost of the erection of these fences. I feel that on account of financial conditions that we should not be expected to expend any further moneys.

Furthermore, there is no money available for this expenditure at the present time.

Very respectfully yours,  
 WILLIAM P. LONG, Chairman.

Placed on file.

LIGHT, AIR AND SETBACK,  
BACK BAY LANDS.

The following was received:

City of Boston,  
Office of the Mayor, June 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the City Planning Board relative to your order of April 3, 1939, concerning the light, air and setback in the rear of the houses in the area bounded by Arlington street, Boylston street, Massachusetts avenue and Beacon street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
City Planning Board, May 23, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—Several weeks ago your Honor referred to this office, for consideration and report, the following City Council order:

"Ordered, That the City Planning Board, through his Honor the Mayor, be requested to advise the City Council as to the present requirements regarding light, air and setback in the rear of the houses in the area bounded by Arlington street, Boylston street, Massachusetts avenue and Beacon street, and what changes, if any, the department can suggest to prevent injury to adjoining and neighboring properties caused by the building over of back yards to or close to the line of the alleys."

In the above mentioned area Boylston street, Newbury street and a 100-foot strip of land near Massachusetts avenue are in business zones which allow 100 per cent coverage of lot areas, except for certain required setbacks. The remainder and larger part of the area is strictly a residential district, being in an R-80 (Residential, 80-foot height) zone. This zone limits buildings to a height of 80 feet and limits coverage to 80 per cent of the lot area. However, along Beacon street, Marlborough street and Commonwealth avenue building line setbacks of about 20 feet have been established. This has the effect of permitting building back to the alley lines if 80 per cent of the lot is covered and this, in fact, results in nearly 100 per cent coverage of the buildable area of the lot.

It is recognized that there are many cases in this area wherein the erection of high apartment buildings has seriously interfered with light and air conditions in adjoining buildings. The effect of these first buildings makes clear what would be the result if they gradually became the general rule. The result would be apartment buildings on each side of the alley, about 16 feet apart and 80 feet high, with light courts between the apartment buildings for windows along the party lines. These light conditions would be inadequate to the rental values at present contemplated and would thus gradually bring about a condition tending to a depression in valuations and a lower standard of occupancy.

Because of this a special study of this area with regard to a possible change in requirements to insure better light, air and rear setback conditions was made under the direction of the City Planning Board in 1934-35. The results of this study were incorporated in the Annual Report of the City Planning Board for the year 1934 (pages 19 to 21, inclusive), a copy of which is inclosed for your information. Copies of all plans concerning these studies are on file in the office of the City Planning Board, 18 Oliver street, Boston.

The Board held several preliminary meetings at that time at which various organizations and persons interested in the development of the Back Bay were present. It was the consensus of opinion that an immediate change might not be fair to present property owners and also that there was not enough definite evidence to determine in which way the development of the Back Bay would proceed. For this reason the matter, at that time, was laid on the table.

The conditions that will result if the Back Bay is gradually developed with apartment buildings are clearly indicated. Light and air conditions will be developed that are inadequate to a high value area, leading to a general lowering of assessed values and median rentals. The only way to prevent this is to change the zoning requirements so that future apartment buildings will cover a smaller percentage of the buildable area of the lots and the open spaces between the buildings at the

rear along the alleys will be more ample and afford pleasanter housing conditions with opportunity for a more reasonable amount of sunlight, especially in the winter.

The above results would be secured, perhaps adequately, if the height limit, except at corner lots, were reduced from 80 feet to 65 feet and the permitted coverage reduced from 80 per cent to 65 per cent. It might be desirable, in addition, to require a minimum setback from the alley line, perhaps 15 feet, in order to assure a reasonable distance between the buildings in order to assist privacy and light and air. Special consideration should probably be given to the conditions in the blocks between Newbury street and Commonwealth avenue, where the height and area provisions between Newbury street and the alley have a seriously adverse effect on the Commonwealth avenue properties across the alley.

If a change is deemed worthy of further consideration a petition for a change to the Board of Zoning Adjustment would be the appropriate action.

Respectfully submitted,  
WILLIAM STANLEY PARKER, Chairman.  
Placed on file.

MILK DELIVERY STATION, EAST BOSTON.

The following was received:  
City of Boston,  
Office of the Mayor, June 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Executive Director of the Public Welfare relative to your order of May 15, 1939, concerning the changing the free milk delivery station from Meridian street, East Boston, to a less conspicuous location.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
May 29, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.  
Attention of Mr. William T. Doyle.

Dear Sir,—This department has received your communication of May 20, 1939, with inclosed order of the City Council, dated May 15, 1939, reading as follows:

"That his Honor the Mayor request the director of the Public Welfare Department to change the free milk delivery station from Meridian street, East Boston, to a less conspicuous location."

May I report that this station has been occupied as a Surplus Commodity Distribution Station for milk temporarily due to the fact that the building we previously occupied at 36 Meridian street had been sold by the city.

I inspected the building myself, personally, on May 16, 1939, and I agree that the building should not be used any longer than we possibly have to so use it. Mr. James Kiernan, of our Real Estate Division, is searching East Boston at the present time to see if he can find a place that will be less conspicuous and, at the same time, more adaptable for the needs of commodity distribution.

Sincerely yours,  
WILLIAM G. O'HARE, Executive Director.  
Placed on file.

FIRE LOSSES.

The following was received:  
City of Boston,  
Office of the Mayor, June 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Fire Commissioner relative to your order of May 8, 1939, concerning the comparative list of fire losses for the City of Boston during the past ten years.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Fire Department, May 22, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—In reply to the City Council order of May 8, concerning the furnishing to the City Council with a comparative list of fire losses for the City of Boston during the past ten years,

together with any changes in fire insurance rates during that period, I am submitting herewith the comparative list of fire losses.

I have written to the Insurance Commissioner for the Commonwealth of Massachusetts for the desired information concerning insurance rates during the past ten years and as soon as that information is received I shall forward it to you.

Respectfully yours,

WM. ARTHUR REILLY,  
Fire Commissioner.

Comparative Fire Loss of Boston for Past Ten Years.

1929.....	\$4,129,926 00
1930.....	5,151,541 00
1931.....	4,113,419 00
1932.....	4,240,168 00
1933.....	2,359,806 00
1934.....	2,332,280 00
1935.....	2,033,107 00
1936.....	2,952,958 00
1937.....	2,204,367 00
1938.....	2,227,887 83

Placed on file.

FIRE STATION, WARD 20.

The following was received:

City of Boston,  
Office of the Mayor, June 1, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Fire Commissioner relative to your order of May 1, 1939, concerning the establishing of a fire station in the Grove street section of Ward 20.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Fire Department, May 22, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—In reply to the City Council order of May 1, 1939, concerning the possibility of establishing a fire station in the Grove street section of Ward 20, I wish to state that a new fire house in this location was recommended by me last year and again in my annual report to the Mayor this year.

However, inasmuch as funds have not been made available for construction of new houses in the Fire Department this year, action on this recommendation cannot be completed during 1939.

Respectfully yours,  
WM. ARTHUR REILLY,  
Fire Commissioner.

Placed on file.

USE OF CEMETERY FUND FOR MEMORIAL.

The following was received:

City of Boston,  
Office of the Mayor, June 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of May 8, 1939, concerning the Cemetery Fund being used for the erection of memorial to World War Veterans in City square, Charlestown.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, May 20, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—Your order passed in the City Council May 8, 1939, is before me reading as follows: "That the Corporation Counsel be requested, through his Honor the Mayor, to advise the City Council if part of the Cemetery Fund can be used for the erection of memorial to World War Veterans in City square, Charlestown," was forwarded to the Corporation Counsel of the City of Boston for his consideration and advice.

The Cemetery Fund to which you refer is evidently the Cemetery Fund created by chapter 117 of the Acts of 1913, and said chapter reads as follows:

"An Act Relative to the Cemetery Department of the City of Boston.

Section 1. The cemetery trustees of the city of Boston shall pay into the treasury of the city

all receipts of the cemetery department from all sources other than from deposits for perpetual care.

Section 2. The city treasurer shall keep the funds so deposited by the cemetery trustees separate from other money and accounts of the city, and the city treasurer is hereby authorized to invest and reinvest all funds so deposited by the cemetery trustees in proper securities, and shall allow such funds and the income thereof to accumulate until such time as the income of the fund is insufficient, in the opinion of the mayor and of the cemetery trustees, to meet the current expenses and expenditures of the cemetery department; provided, however, that at any time the mayor may originate an appropriation for the cemetery department to be met out of the income of said fund accruing during a fiscal year.

Section 3. This act shall take effect upon its passage.

Approved February 18, 1913."

The Cemetery Department of the City of Boston was established by the Board of Trustees of the Cemetery Department, were appointed under, and the powers and duties of said Board are designated in chapter 375 of the Acts of 1897, which is quoted in full herewith.

CHAPTER 375 OF THE ACTS OF 1897.

"An Act to Establish a Cemetery Department in the City of Boston.

Section 1. There shall be in the city of Boston a cemetery department, which shall be under the charge of a board of five trustees appointed by the mayor, subject to confirmation by the board of aldermen. Said trustees shall, in the year eighteen hundred and ninety-seven, be appointed, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, each term beginning with the first day of May in said year; and annually thereafter the mayor shall appoint, subject to confirmation as aforesaid, one trustee for the term of five years, beginning with the first day of May in the year of appointment. Chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five, and all acts relating to departments and officers of departments in the city of Boston shall, so far as applicable, apply to said department and the officers and employees thereof.

Section 2. Said board shall have charge of Mount Hope Cemetery and of all other burial grounds owned by or in charge of the city of Boston; shall set apart and appropriate a portion of said cemetery as a public burying ground for the use of the inhabitants of said city, free from any charge therefor; shall lay out said cemetery in suitable lots or other subdivisions for family or other burials, with necessary paths and avenues; shall plant and embellish the said cemetery with trees, shrubs, flowers and other rural ornaments; may enclose and divide the same with proper fences; may erect or annex thereto suitable edifices, appendages or conveniences; and may make such by-laws, rules and regulations, not inconsistent with statutes or ordinances, as they may deem advisable; and shall perform such other duties relative to such cemetery and said burial grounds as the city council may from time to time prescribe. All acts and all ordinances of said city relating to Mount Hope Cemetery shall, so far as they are not inconsistent herewith, apply to said department and the officers in charge thereof.

Section 3. This act shall take effect upon its passage.

Approved May 10, 1897."

In pursuance of section 5 of chapter 486 of the Acts of 1909 (an act relating to the administration of the City of Boston and to amend the charter of said city) the Mayor and City Council did, by ordinance passed November 8, 1920, consolidate the Cemetery Department with the Park and Recreation Department and change the name of the Park and Recreation Department to the Park Department.

The powers and duties of the Board of Park Commissioners formerly exercised by the Board of Trustees of the Cemetery Department are set forth in sections 2, 8, 9 and 10 of chapter 22 of the Revised Ordinances of 1925, which sections of said chapter 22 are herein quoted.

"Sect. 2. The Board shall exercise the powers and perform the duties herein enumerated, and all other powers and duties now or heretofore required by law or ordinance to be exercised and performed by the park commissioners, the superintendent of public grounds, the trustees of the hath department, the trustees of the music department, and the trustees of the cemetery department, and shall be the lawful successors of said officers."

"Sect. 8. The board shall exercise the powers and perform the duties provided by statute or ordinance to be exercised and performed by the trustees of the cemetery department, and shall create a division to be known as the cemetery division of the park department."

"Sect. 9. The board may determine the payments to be made for cemetery lots, or for the perpetual or other care thereof. The chairman of the board, after payment thereof has been made to its secretary, may execute and deliver to the person or persons by or for whom the payment has been made, a deed of the city conveying the exclusive right of burial of human dead in, and of placing and maintaining tombs, cenotaphs and monuments, authorized by the board or officer having, at the time of placing the same, charge of the cemetery, upon the lot or subdivision described in the deed, and shall cause the deed to be recorded in the office of the board. Every such conveyance shall be subject to the following restrictions, or such other regulations and restrictions relating to said cemetery or the lots therein as shall from time to time be established by the city by ordinance."

"Sect. 10. The chairman of the board, after payment to the city treasurer for the city, for keeping in repair any lot in any cemetery or other burial-ground owned by the city, may execute and deliver to the person by or for whom the payment has been made an agreement that the city shall keep the lot, and the structures and grass thereon, in a good and neat condition forever, or during the period specified in the agreement, so far as the same can be done by the expenditure of an amount equal to four per cent per annum of the amount of money so paid from the time of such payment; and the board shall cause all such agreements to be faithfully carried out."

City square, Charlestown, was prior to the year 1848 called Charlestown square and is a plot of ground occupying 8,739 square feet of land and is designated in Document 38, 1938—City of Boston, Municipal Register for 1938, on page 66, as a public square under the jurisdiction of the Park Department.

In an opinion to the Honorable the City Council dated October 31, 1928, by the then Corporation Counsel, Hon. Frank S. Deland, it was concluded that City square, Charlestown, was not a "park" hut was a "public square" under the jurisdiction of the Park Department.

From the above analyses set forth in detail the following conclusions are reached:

(1) The income of the Cemetery Fund created by chapter 117 of the Acts of 1913 may be expended only for the purposes of meeting the current expenses and expenditures of the Cemetery Division of the Park Department.

(2) The powers and duties of the Board of Trustees of the Cemetery Department, now the Board of Park Commissioners, in relation to the expenditure of money for the current expenses of the Cemetery Department is restricted to the expenditures for purposes recited in the above quoted chapter 375 of the Acts of 1897 and sections 2, 8, 9 and 10 of chapter 22 of the Revised Ordinances of 1925. This restriction is that any expenditure of said Cemetery Fund must be for a purpose in a cemetery owned by the City of Boston.

(3) That City square is a public square in the jurisdiction of the Park Department and is not a cemetery.

Therefore you are advised that no part of the Cemetery Fund can be used for the erection of memorial to World War Veterans in City square, Charlestown.

Yours very truly,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

## ATLANTIC AVENUE ELEVATED STRUCTURE.

The following was received:

City of Boston,  
Office of the Mayor, June 5, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of April 24, 1939, concerning legislation as shall at once cause the so-called elevated loop to be promptly demolished and removed.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, May 25, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—With reference to order of the City Council dated April 24, 1939, which you have transmitted to me for consideration and report, relating to the Atlantic avenue elevated structure, I am glad to advise you that in accordance with the request of the Honorable the City Council I have duly recorded with the House Ways and Means Committee of the Massachusetts Legislature the Council resolution of March 6, 1939, calling for the enactment of "such legislation as shall at once cause the so-called elevated loop to be promptly demolished and removed."

I note also the request contained in the order that the Corporation Counsel "vigorously urge the adoption of such legislation as may be necessary or advisable to hasten the demolition of the elevated structure on Atlantic avenue."

As your Honor knows, the purpose thus expressed has been one of the objectives of your legislative program, and at your direction I prepared and filed with the Legislature a petition for legislation to authorize the conveyance of the structure by the Elevated Railway Company to the City of Boston, and for its demolition and removal by the Transit Department. Your Honor is also aware of the efforts that have been made to reach an agreement with representatives of the private stockholders for such a conveyance at a nominal figure. Those efforts have as yet been unsuccessful and the situation is complicated by the fact that existing legislation safeguards the location in the hands of the Elevated Railway Company and makes it apparently impossible to condemn the structure or to take it or to order its removal without the payment of substantial compensation.

I return herewith the City Council order.

Very truly yours,

HENRY PARKMAN, JR.,  
Corporation Counsel.

City of Boston,  
Law Department, May 25, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I am sending you herewith a reply to your request for a report on the City Council order of April 24, relative to the demolition and removal of the Atlantic avenue elevated structure, which I trust will answer the purpose sought by the Council order.

For your information, it seems very clear to me that we are not likely to get passage of the bill for conveyance of the structure to the city and that even if we did, we would get no further because of the price that the stockholders would ask. After pretty thorough study, I am convinced that there is no way by which we can either acquire or force the removal of the structure without the payment of very substantial damages and I can give you my reasons for this in greater detail whenever you would like to hear them.

Therefore we are thrown back on the necessity of negotiating some kind of an arrangement with the Elevated directors and stockholders by agreement. The payment of a substantial sum of money is out of the question. I still think it would be worth while to approach the Elevated with the suggestion that if they would relinquish their rights in the structure, the city would extend the Washington Street Subway lease for a substantial term on such arrangements as might be worked out. The main reason the Elevated hangs on to the Atlantic avenue structure is because they feel it is the only link between their elevated lines running to Forest Hills one way and to Everett the other and that if the Washington Street Subway lease terminates they would have to have the Atlantic

avenue loop to fall back on. This may be rather academic because of the way things are going and the small likelihood that the road will ever be turned back to private ownership.

The bonds issued to pay the cost of the Washington Street Subway will be fully paid off about 1948 and from then on to the termination of the lease, in July, 1962, the rental (about \$358,000 a year) would be pure "velvet" to the city. It must be remembered, however, that as long as the deficits run at the size they now do, the City of Boston in effect gets the benefit of only about one third of the rental, having to pay back two thirds as part of the operating deficit. Furthermore, the likelihood that between now and 1962 the Elevated would be publicly acquired seems to me so great as to make it worth while considering making a concession at this time; for example extending the lease for a period of ten years beyond 1962 and perhaps making a reduction in the rental. I doubt if we would ever have to carry out such an agreement in any event and in the meantime we would gain the great benefit of tearing down the structure and developing the area for business purposes.

With this in mind, I have asked the committee informally not to take too quick action on the bill with the thought that you might think well of the idea of taking this suggestion up with the directors and exploring its possibilities.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

UNDERGROUND WIRES.

The following was received:

City of Boston,  
Office of the Mayor, June 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of May 1, 1939, concerning all overhead wires being placed underground in order that better service may be available to users of lights and telephones, and prevent the interruption of service during severe storms.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, May 23, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—You have transmitted to me for consideration and report the following order of the City Council passed on May 1, 1939:

"Ordered, That the Corporation Counsel be requested to confer with the Board of Public Utilities relative to having all overhead wires placed underground in order that better service may be available to users of lights and telephones, and prevent the interruption of service during severe storms."

As requested I have conferred with the Department of Public Utilities and now report as follows: Chapter 110 of the Acts of 1936, in section 1, requires the removal of poles from not more than four miles of city streets in any one year and the burying underground of the wires formerly carried by such poles. The Fire Commissioner has the authority to designate the streets where such removal must take place. This statute is similar to other legislation passed at intervals, going back to chapter 454 of the Acts of 1894, all of which deal specially with the City of Boston.

The Department of Public Utilities advises me that the requirement of the act places a substantial burden upon public service corporations at the present time, and, of course, it must be remembered that any increase in expense imposed by legislation or otherwise upon such corporations may be reflected in increased rates charged to consumers.

I find further that the Fire Commissioner has exercised his authority continuously under the various statutes referred to and each year has designated certain streets up to the limit of four miles, from which poles should be removed and overhead wires buried. I might further observe that the subject is fully covered by special act of the Legislature.

Very respectfully yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

CONDEMNED BUILDINGS IN HOUSING AREAS.

The following was received:

City of Boston,  
Office of the Mayor, June 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Building Commissioner relative to your order of May 15, 1939, concerning condemned buildings in housing areas.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Building Department, May 22, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Subject: City Council order of May 15, 1939, condemned buildings in housing areas.

Dear Sir,—Your communication of May 18, subject, City Council order of May 15, 1939, concerning the number of buildings that had been condemned in the four areas in which housing projects are contemplated under the \$27,000,000 contract approved by the City Council, prior to the selection of these four areas by the Boston Housing Authority, is such that considerable time will of necessity have to elapse before a reply giving authentic information can be composed; however, immediately this department will obtain the names of the streets within the housing areas from the Boston Housing Authority and then proceed to check the files to complete report.

Respectfully yours,  
JAMES H. MOONEY,  
Building Commissioner.

City of Boston,  
Building Department, May 31, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Subject: City Council order of May 15, 1939, condemned buildings in housing areas.

Dear Sir,—Supplementing my letter of May 22, 1939, concerning the above-mentioned subject, I set forth below a list of buildings, now standing in the housing areas, for which complaints were on file in this department prior to the selection of the areas by the Boston Housing Authority on December 13, 1938:

South End.

59 Kendall street, Ward 9; 61 Kendall street, Ward 9; 63 Kendall street, Ward 9; 65 Kendall street, Ward 9; 79 Kendall street, Ward 9; 83 Kendall street, Ward 9; 91 Kendall street, Ward 9; 14 Sawyer street, Ward 9; 36 Sawyer street, Ward 9; 47 Sawyer street, Ward 9; 49 Sawyer street, Ward 9; 615 Shawmut avenue, Ward 9.

Charlestown.

40 Cottage street, Ward 2; 5 Fremont place, Ward 2; 7 Fremont place, Ward 2.

Mission Hill.

117 Longwood avenue, Ward 10; 117 1/2 Longwood avenue, Ward 10; 123 Longwood avenue, Ward 10.

South Boston.

262 Dorchester street, Ward 7; 241 East Ninth street, Ward 7; 125 Mercer street, Ward 7; 82 Newman street, Ward 7.

Respectfully yours,  
JAMES H. MOONEY,  
Building Commissioner.

Placed on file.

BUILDING LAW VIOLATION, CHARLESTOWN.

The following was received:

City of Boston,  
Office of the Mayor, June 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Executive Director for the Boston Housing Authority relative to your order of May 8, 1939, concerning the violation of the building laws in the Charlestown housing project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Boston Housing Authority,  
May 24, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I am directed by the Authority to reply to your communication of May 12, 1939, concerning the order passed May 8, 1939, by the City Council:

"That the Boston Housing Authority, through his Honor the Mayor, be requested to advise the City Council whether in the construction of the proposed housing project in Charlestown the provisions of section 63, or any other section of the building law, are to be violated by the use of windows with a vertical metal bar in the center, or such other arrangement as will prevent the opening of the entire upper half of the window in case of emergency."

The Authority respectfully calls your attention to section 26BB of chapter 434 of the Acts of 1938 of the Great and General Court of the Commonwealth.

That section says, "Except as provided in section twenty-six Q with respect to projects acquired or leased from the federal government, every project of a housing authority shall be subject to all statutes, and all ordinances, by-laws and regulations of the city or town in which it lies, relating to town planning, zoning, the construction and repair of buildings, and the protection of public health."

The Authority must be governed by this statute.

Respectfully,  
FRANCIS S. LANE,  
Executive Director, for the Authority.

Placed on file.

#### LAND AT CHURCH AND COREY STREETS.

The following was received:

City of Boston,  
Office of the Mayor, June 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Custodian of the Real Estate Division relative to your order of April 3, 1939, concerning whether or not the city owns any land in the area of Church and Corey streets, West Roxbury, Ward 20.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Real Estate Division,  
April 20, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—In reply to the City Council order of April 3, 1939, as to whether or not the city owns any land in the area of Church and Corey streets, West Roxbury, Ward 20, please be advised that the only property owned by the city in possession of this division is about five thousand one hundred sixty-five (5,165) square feet of land on the northwesterly side of Corey street, being lot one hundred twenty-seven (127), which sets back from West Roxbury Parkway about twenty-five (25) feet.

Very truly yours,  
DANIEL M. DRISCOLL,  
Custodian.

Placed on file.

#### ANGLE PARKING, ALLSTON.

The following was received:

City of Boston,  
Office of the Mayor, June 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of May 1, 1939, concerning the permitting of angle parking on Brighton and Harvard avenues, Allston.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, May 23, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated May 1, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to permit angle parking on Brighton and Harvard avenues, Allston."

This commission has noted with concern the development during the past several years of the practise of illegal angle parking in certain suburban sections of the city.

The Police Department has recently made a concerted drive against this practise as a result of which this commission has received several requests that the practise be legalized in certain areas. All these requests were considered at a meeting of this commission held on May 18, 1939, and it was unanimously voted that the commission considers angle parking a highly dangerous practise as shown by the accident records in this office and that for these reasons all of the requests were rejected.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.  
Placed on file.

#### STEP-RAISES FOR EMPLOYEES.

The following was received:

City of Boston,  
Office of the Mayor, May 29, 1939.  
To the City Council.

Gentlemen,—In accordance with the request contained in an order adopted by your Honorable Body on May 8, 1939, I submit herewith information requested in compliance with the above referred to order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Budget Department, May 29, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Sir,—I am in receipt of your communication of May 12, 1939, inclosing City Council order passed May 8, 1939, and reading as follows:

"Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to advise the City Council at once:

a. The number of employees now receiving \$2,100 per year or more who are included in the Mayor's budget to receive a step-rate increase this year.

b. The additional expense to the city over last year's salaries if such step-rate increases are allowed.

c. The number of employees who are included in the so-called step-rate classification list of employees, but who have not been granted step-rate increases this year in the Mayor's budget already submitted to the Council."

In reply to the above order the following information is submitted:

a. There are 262 employees now receiving \$2,100 per year or more whose step-rate increments are included in the 1939 budget recommendations of the Mayor.

b. The additional expense to the city for the above mentioned step-rate increments totals \$21,869.08.

c. There are 48 employees receiving \$2,100 per year or more whose step-rate increments were not included in the 1939 budget recommendations of the Mayor.

Respectfully,  
FRANCIS X. LANG,  
Budget Commissioner.

Placed on file.

#### SALARIES PAID.

The following was received:

City of Boston,  
Office of the Mayor, June 1, 1939.  
To the City Council.

Gentlemen,—In accordance with the request contained in an order adopted by your Honorable Body on May 8, 1939, I submit herewith information requested in compliance with the above referred to order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Budget Department, June 1, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.  
Sir,—I am in receipt of your communication of May 12, 1939, inclosing City Council order passed May 8, 1939, and reading as follows:  
"Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to advise the City Council at once concerning all employees, including department heads, now on the pay rolls of departments included in the budget submitted by the Mayor to the Council, giving the number of such employees and

department heads now receiving pay at the rate of  
a. \$1,000 or less per year.  
b. From \$1,000 to not over \$1,600 per year.  
c. From \$1,600 to not over \$2,000 per year.  
d. From \$2,100 to not over \$3,000 per year.  
e. From \$3,000 to not over \$4,000 per year.  
f. From \$4,000 to not over \$5,000 per year.  
g. Over \$5,000 per year."

In reply to the above order the following table shows the various salary segregations of the permanent force, eliminating duplications and non-budgetary units:

	City.	County.	Total.
a. Less than \$1,000.....	676	62	738
b. \$1,000 to \$1,599.....	4,000	196	4,196
c. \$1,600 to \$1,999.....	2,844	232	3,076
d. \$2,000 to \$2,099.....	267	59	326
d. \$2,100 to \$2,199.....	3,101	118	3,219
d. \$2,200 to \$2,999.....	1,328	294	1,622
e. \$3,000 to \$3,999.....	161	72	233
f. \$4,000 to \$4,999.....	125	60	185
g. Over \$5,000.....	71	29	100
	12,573	1,122	13,695

Respectfully,  
FRANCIS X. LANO, Budget Commissioner.

Placed on file.

DATA RE WATER DIVISION.

The following was received:

City of Boston,  
Office of the Mayor, May 24, 1939.  
To the City Council.  
Gentlemen,—In accordance with the request contained in an order adopted by your Honorable Body on May 8, 1939, I submit herewith information requested in compliance with the above referred to order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Budget Department, May 24, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.  
Sir,—I am in receipt of your communication of May 12, 1939, inclosing City Council order passed May 8, 1939, and reading as follows:

"Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to advise the City Council with reference to the Water Division of the Public Works Department:

1. The total income of said division for the calendar year 1938.
2. The total expense of said division for the calendar year 1938.
3. The amount of cash on hand in said division as of January 1, 1938.
4. The amount of cash on hand in said division as of January 1, 1939.
5. The total amount of the appropriation provided for said division for the calendar year 1939 in the Mayor's budget."

In reply to the above order the following information is submitted:

1. \$5,155,051.39.
2. \$4,500,052.94.
3. A deficit of \$54,399.27.
4. A surplus of \$654,998.45.
5. \$1,235,781.83.

Respectfully,  
FRANCIS X. LANO,  
Budget Commissioner.

Placed on file.

BASEBALL DIAMOND, CHARLESBANK.

The following was received:

City of Boston,  
Office of the Mayor, May 29, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of May 15, 1939, concerning the placing of a baseball diamond at the Charlesbank Park in suitable condition for the use of the children using the park.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, May 26, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have a memorandum from your office with inclosure order from the City Council that the Park Commissioner be requested to place the baseball diamond at the Charlesbank Park in suitable condition for the use of children.

Please be assured this area will be placed in condition during the ensuing week. A roller will be brought from the East Boston section to do this work—which damage was caused by trucks of contractors carting snow across the diamond during the past winter.

Very respectfully yours,  
WILLIAM P. LONO, Chairman.

Placed on file.

TRANSPORTATION OF TALENT, SANATORIUM.

The following was received:

City of Boston,  
Office of the Mayor, May 24, 1939.  
To the City Council.  
Gentlemen,—In accordance with the request contained in an order adopted by your Honorable Body on May 8, 1939, I submit herewith information requested in compliance with the above referred to order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Budget Department, May 24, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Sir,—I am in receipt of your communication of May 12, 1939, inclosing City Council order passed May 8, 1939, and reading as follows:

“Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to restore the item of \$100 for the transportation of talent who volunteer their services for the entertainment of patients at the Boston Sanatorium, which he recently cut from the budget for this year.”

The 1939 budget recommendation for B-42, Miscellaneous Contractual Services, included, among other items, a request for \$100 for the transportation of talent for the entertainment of patients. There has been no expenditure for this purpose in 1937 or 1938. Presumably whatever talent has been made available to the patients by the hospital authorities has been done without cost of transporting of the same to the hospital, but if there was any cost incurred in the transporting of this talent, it was charged to some item other than B-42 in the Sanatorium budget. It has been my policy, in so far as possible, to obtain maximum use from the approximate one hundred city-owned passenger vehicles through the co-operation of the Coordinator of Motor Vehicles in lieu of hiring outside automobiles for services which could be rendered with equal satisfaction by city-owned vehicles and regular city employees. For this reason I must respectfully decline to make any adjustment in the allowance for B-42 in the budget of this department.

Respectfully,  
FRANCIS X. LANG,  
Budget Commissioner.

Placed on file.

#### GRASS, AMERICAN LEGION HIGHWAY.

The following was received:

City of Boston,  
Office of the Mayor, May 29, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of May 15, 1939, concerning men regularly being assigned to keep the grass plot in the center of the American Legion Highway in perfect condition in order to prevent the growth of ragweed.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, May 26, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have your memorandum of May 24 with inclosure, order from the City Council that the Park Commissioner and the Commissioner of Public Works be requested to have men regularly assigned to keep the grass plot in the center of the American Legion Highway in perfect condition in order to prevent the growth of ragweed which is detrimental to the health and particularly to those persons who are subject to hay fever and asthma and also in view of its close proximity to the State Institution.

Please be informed the Park Department has no jurisdiction over this bigway, with the exception of the control of the trees.

Very respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### REPORT ON SALARY INCREASES.

The following was received:

City of Boston,  
Office of the Mayor, May 31, 1939.  
To the City Council.

Gentlemen,—In accordance with the request contained in an order adopted by your Honorable Body on May 8, 1939, I submit herewith information requested in compliance with the above referred to order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Budget Department, May 31, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Sir,—I am in receipt of your communication of May 12, 1939, inclosing City Council order passed May 8, 1939, and reading as follows:

“Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to promptly advise the City Council:

- a. The number of raises in pay, if any, other than step-rate increases granted during 1939.
- b. The aggregate amount of such raises.
- c. The number of pay raises, if any, other than step-rate increases granted during 1938.
- d. The aggregate number of such raises.
- e. The number of pay raises given during 1937 other than step-rate increases.
- f. The aggregate amount of such raises.
- g. The number of positions, including both officials and employees, which were not included in the 1937 pay roll, but which have been filled or created since January 1, 1938.
- h. The aggregate amount of yearly salary included in the 1939 budget for such positions.”

In answer to the inquiry concerning the number of pay raises in 1938 and 1939 other than step-rate increases, be advised that of the total pay roll of approximately \$20,000,000, representing compensation for some 12,500 employees, there were eight raises totaling \$1,210 on a full year's basis during 1939, and in 1938 there were sixty-six raises totaling \$8,700 on a full year's basis. Because most of these raises were granted during the course of the year, the actual amount was considerably less than on a full year's basis.

In 1937 there were one hundred and fifty-three pay raises totaling \$34,615 on a full year's basis.

There were twenty-two positions filled or created since January 1, 1938, not included in the 1937 pay roll, and of these twenty-two, sixteen are in the newly created Tax Title Division of the Law Department. The total cost of the new positions on a full year's basis is \$51,467.41, as compared with approximately two hundred and ninety-seven positions unfilled and totaling approximately \$463,000 on a full year's basis for the same period.

Respectfully,  
FRANCIS X. LANG,  
Budget Commissioner.

Placed on file.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

##### Claims.

F. L. Benway, for compensation for damage to car by city cart.

Frank L. Brown, for compensation for injuries caused by an alleged defect in Autumn street.

Florence E. Campbell, for compensation for eyeglasses broken at City Hospital.

James Coyle, to be reimbursed for judgment issued against him.

Lieut. Daniel P. Dacey, to be reimbursed for judgment issued against him.

Louis B. Dale, for compensation for damage to car by city cart.

Patrick J. Donlan, to be reimbursed for judgment issued against him.

Excellent Sweet Shops, for compensation for damage to property at 82 Union street, caused by bullet fired by police.

Francis E. Glennon, to be reimbursed for judgment issued against him.

Mary D. Grover, for compensation for injuries caused by an alleged defect at 20 Larchmont street.

Donald P. and Ruth H. Jones, for compensation for injuries and damage to property by city truck.

Edmund F. McKenna, to be reimbursed for judgment issued against him.

Fred Monosson, for compensation for damage to car by city truck.

Neil M. Murphy, to be reimbursed for judgment issued against him.

James Myers, for compensation for injuries caused by an alleged defect in Ruth street.

Mary A. Noonan, for compensation for injuries caused by an alleged defect in Union street and Lyne road.

Dr. E. A. Pratt, for compensation for injuries caused by an alleged defect in front of Massachusetts College of Pharmacy.



Princeton Motor Sales, Inc., for compensation for damage to car by city truck.

Moses E. Wallace, for refund on fee paid for special officer's appointment.

Executive.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

Stutz-Ruby Dancing School, Peabody Playhouse, June 7.

Kathryn I. Brymer, Y. M. C. A. Auditorium, June 15.

Martha Beegelman, Recital Hall, June 4.

Stanley E. Brown, Jordan Hall, June 6.

Marian Fischer, Music Hall, June 9.

James A. Ecker, Majestic Theatre, May 24.

Alice M. Astle, Whitton Hall, May 24.

Lavinia A. Hogan, Jordan Hall, June 9.

Mary E. Ring, Brighthelmstone Hall, June 15.

Esther Lyons, Jeremiah Burke Hall, June 12.

Petition of Hart Bus Lines, Inc., that license be reissued in name of Saugus Transit Company.

Committee on Ordinances.

Petition of Nathan Coffman for driveway opening at 55 Jersey street.

CONSTABLES' BONDS.

The bonds of the following-named constables, having been duly approved by the City Treasurer, were received and approved:

John J. Adams, Joseph L. Bennett, Edgar F. Callahan, John J. Dault, Robert E. Donlan, Francis W. Gildea, Richard Hegarty, Solomon Gorfinkle, Frank Mitchell, Michael W. Oher, Francis J. Tobin, Sidney William.

ACCOUNT OF TRUSTEES UNDER WILL OF ABBOTT LAWRENCE.

Copy of fourth account of trustees under will of Abbott Lawrence for purpose of building and maintaining model lodging houses was received from Peabody, Arnold, Batchelder & Luther.

Placed on file.

NOTICE OF INTEREST IN CONTRACT.

Notice was received from William H. Ellis of interest in contracts *re* Meridian Street Bridge and Fort Hill Disposal Station.

Placed on file.

FINANCE COMMISSION REPORT ON BOSTON ELEVATED.

The following was received:

City of Boston,  
Finance Commission, June 3, 1939.

Hon. Maurice J. Tohin,  
Mayor of Boston.

Honorable Sir,—From time to time the Finance Commission has been importuned, officially and privately, to give some attention to the financial affairs, administrative costs and maintenance expenditures of the Boston Elevated Railway Company. One of your recent predecessors made such a request while in office. Members of the City Council in recent years, and members of the Legislature, also, have been among a large number of persons who have expressed the belief to the commission that conditions warranted such an investigation.

For several years past the city has not been able to collect from the Railway Company all the money the company owes the city. On the other hand, the city has been forced to contribute many millions of dollars to help defray the expense of operating the railway system. The failure of the company to pay the city some charges, and the ability of the company to collect from the city other charges have become a great burden to the taxpayers. Therefore, it is the business of the city to satisfy itself that the costs, expenditures, etc., of the company are proper, do not include waste or extravagance, and result in the most efficient operation of the plant.

This is the premise on which the suggestion is based that the Finance Commission has authority and that the facts warrant investigation.

The commission has often given considerable thought to the idea of making such an investigation. In the light of the many interpretations by the courts of the statute which created the Finance Commission, the commission has no doubt that it possesses sufficient power. In the light of the heavy burden to the taxpayers of the city's contributions to the Railway Company's expenses, the commission has no doubt that such an inquiry is warranted.

That an investigation has not previously been undertaken has been due entirely to the consciousness of the expense that a comprehensive investigation would entail. It would require extra and special investigators, experts, accountants and possibly the services of special counsel. To give the public all the information obtainable in such a manner as to permit the public to understand the whole story, it would be necessary to have public hearings.

This obviously would require a special appropriation of funds to defray the extra expense. The narrow limits of the Finance Commission's regular appropriation would not permit it unless the commission were to stop all other work; and the commission finds every day that the regular routine investigative work is vitally necessary and accomplishes much for the taxpayers.

The Railway Company is now under public control through a board of public trustees. However, the board of directors of the corporation still function as the representatives of the stockholders in oversight of the management. These directors at present are J. P. Manning, Edward H. Bailey, Joseph H. Holiday, Frank H. Richardson, James L. Richards, P. A. O'Connell, Walter Trumbull and Bartlett Harwood. The trustees choose the executives who operate the various branches of the company's activities. These executives pick the employees, assign them, and supervise them. They also pick the firms which are to render service to the company, or furnish merchandise or equipment to the company. It has been common practice for years for elected public officials to solicit employment for friends from the Railway Company executives just as they have done in City Hall. Frequently contractors who succeed in obtaining city work are found among those favored similarly by the company.

The public trustees must rely in large part in the exercise of public control upon the records and reports of the regular corporation employees. The board must take the basis of its decisions on faith in the honesty, integrity, accuracy and capability of those non-public corporation officials and employees.

The city's share of the cost of maintenance of the system in the last fiscal year was \$1,867,000. It has been a million or more for many years. The annual deficit of the Railway Company has been approximately \$2,000,000 or more for many years.

It is probably unnecessary to remind that despite the failure of the company's administrators to make both ends meet, the stockholders have been paid dividends amounting to millions of dollars at the rate of 5 per cent on the stock. The city's contribution has gone to pay to these stockholders dividends which their property did not earn for them.

Over and above the city's share, as stated above, in the payment of the maintenance deficit, the city has been obliged to go without approximately \$200,000 per year that it was supposed it would collect from the Railway Company for the lease of the Kenmore square extension of the Boylston Street Subway, so called. Though convenience of the taxpayers of Boston did not require the subway extension, the cost of it was originally borne by the City of Boston. The company has not been able to make payment of the annual rental charges and, therefore, the cost is now divided between the city and the municipalities of the Metropolitan transit district. The city pays 50 per cent directly and it pays through the Metropolitan assessment 30 of the other 50 per cent, making a total of 80 per cent of the carrying charges that are paid by Boston.

The City of Boston cannot obtain return from the company of any part of these rental charges unless and until there is enough to meet the bill in the receipts of the company (1) after all other maintenance charges have been paid, (2) after the company has paid back the millions already raised and turned over to the company by taxpayers in the municipalities served, and (3) after a 5 per cent dividend has been paid on the stock

of the company. It is an unusual situation, even though it is well known, that a corporation must pay a substantial dividend before it can pay all its bills. It is not a wild guess to say, therefore, that the City of Boston is permanently weighed down with this extra load.

The Finance Commission is in fear that pending negotiations between the city and the company may end by adding to the city's burden. The public trustees have discontinued use of the Atlantic avenue elevated structure. The service rendered by this part of the Boston Elevated system did not produce enough revenue to pay the cost. Properly, the public trustees decided to stop loss by discontinuance.

The directors of the corporation, however, were not then and are not now, it is officially reported to the Finance Commission, in favor of that discontinuance. The fact that the receipts for this particular service were not sufficient to pay the expense of it did not and could not affect the payment of the 5 per cent dividend on the stock of the company which was guaranteed by legislative act of 1918.

There is not much doubt that if the state had not assumed control of the operation of the system, the stockholders of the corporation would have demanded discontinuance of the Atlantic Avenue Elevated service and abandoned the structure long before the public trustees came around to doing it; but under the Public Control Act the stockholders had nothing to lose by retaining the service and had something to gain by retention of the franchise in the event of a sale of the company's assets.

By the terms of the act of 1918, the public trustees must keep this structure in good condition, and turn it back in good condition in 1962 or thereafter when public control ends. Hence, the directors of the company opposed discontinuance of service, and they continue to oppose demolition of the structure without receiving what they consider adequate payment.

In short, the city might be compelled to pay to the full extent of the law if the city takes the structure by eminent domain proceedings and demolishes. What this full extent of the law may amount to in dollars and cents is interesting.

The commission has been informed that the Elevated Railway Company carries this Atlantic avenue structure on its books as valued at approximately \$3,100,000 net, though it was built thirty-eight years ago at a cost of approximately \$5,600,000, and has been a non-paying investment, so called, for many years. The structure itself today has little value. It has been found that use of it cost the company more than it received. The chief value, therefore, lies in the franchise right the public originally gave the company to operate a railroad on Atlantic avenue. This right is not easily revocable, if at all.

The presence of this structure on Atlantic avenue has wrought such havoc with quiet, convenient and clean transaction of business on Atlantic avenue that many of the parcels of real estate on the avenue are almost a shambles. Owners have allowed their properties to deteriorate, tenants have deserted many of them, and this broad highway paralleling the waterfront of what is conceded to be one of the finest natural ports in the country is becoming an eyesore.

Here, therefore, we have a situation where a privilege the public gave away voluntarily has turned out to be an instrument of destruction to the public.

The present negotiations between the city and the company—the commission is informed—have to do with an effort by your Honor to induce the trustees of the Railway Company to sell the Atlantic avenue structure to the city for a sum not to exceed \$100,000.

To many taxpayers the necessity of paying anything to take down a structure not now in use is not understandable. Nor is the effect of carrying a valuation of over \$3,000,000 on this thirty-eight-year-old structure which originally cost \$5,600,000 easily understandable.

The few specific matters referred to in this report are merely illustrative of the interest the municipality must have in the proper operation of the Railway Company. It appears quite likely that Boston will be compelled for many years to contribute to the cost of operation of the system. Boston should, therefore, know just as much about the internal affairs of the company as it knows about the operations of its own departments.

The Finance Commission, therefore, requests that you and the City Council give consideration to the idea of making available to the commission a special appropriation for an investigation of the affairs of the Boston Elevated Railway Company. It would seem that at least \$10,000 would be necessary to defray the expense. The Finance Commission is ready and willing to undertake the task and has no doubt it has sufficient authority under chapter 486 of the Acts of 1909 to make the fullest inquiry.

Respectfully submitted,

DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCOLPONETTI,  
JAMES H. FLANAGAN,  
The Finance Commission.

Placed on file.

#### FINANCE COMMISSION REPORT ON STREET PATCHING.

The following was received:

City of Boston,  
Finance Commission, May 26, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Honorable Sir,—The Finance Commission reports herewith on circumstances attending the purchase by the city of bituminous mixtures used for the repair, patching and the renovation of streets. The work of this nature performed for the city by local contractors and the material furnished has been under surveillance by the Finance Commission for the past few months. The commission has found a situation which warrants the attention of your Honor.

In some instances the commission found what appeared to be deliberate attempts to defraud the city. In other instances the commission found evidence indicating conspiracy and collusion among contractors to exact a high price for work and materials; in still other instances the commission uncovered looseness in administration which invites fraud and collusion.

The commission's investigation related first, to performance under a contract to deliver road patching material; secondly, to prices paid for pavement mixtures; and, finally, to the method followed by the city in award of contracts.

##### I. Contract to Supply Road Patching Material.

For the past few years the Supply Department has annually advertised for bids for the contract to furnish the bituminous mixture used by the Public Works Department in patching streets. In each of the past three years the contract has gone to the same contractor.

In 1937 the price bid by this firm was \$3.83 per ton, as against \$6.63 per ton, the nearest of three other bidders. In 1938 this contractor bid \$4.07 per ton as against \$5.25, the nearest of five other bidders. In 1939 this contractor bid \$4.41 per ton as against \$5.00, the nearest of three other bidders.

The specifications in the three contracts given to this firm were identical. The Supply Department originally obtained the requirements from the Public Works Department. Thereafter, without notice from the Public Works Department that any change was desired, the Supply Department simply copied the previous year's specifications.

The contract defines the limits within which the mineral aggregate of the mixture will be acceptable; also it fixes the proportion of the various materials entering the mixture and specifies the characteristics of the asphalt cement included.

For the first two years this contract was in existence no city authority made adequate test of the material. The Supply Department, the contracting agent for the city, made no test at any time. The excuse given is that the Supply Department budget does not contain funds for such tests.

The Public Works Department, the receiving agent for the city, operates a laboratory, but made no test during the life of the 1937 contract. In 1938 some tests were made in this laboratory, but these were simply for the purpose of determining the proportion of mineral aggregate and the percentage of asphalt. No attempt was made to analyze the asphalt cement, or the mineral filler.

In every test made by the chemist in the Public Works laboratory in 1938, it was found that the material delivered did not comply with the speci-

fications. On the other hand, the employees who made use of the mixture were perfectly satisfied with the quality of it.

When it became known that the Finance Commission was checking up on the performance of the contract, there was a change in the character of the product delivered. Thereafter, the deliveries were of a coarser mixture which complied with the specifications in the matter of the size of the mineral aggregate. Officials who actually supervise use of it, however, complain that the product delivered is not now satisfactory.

In 1937 the amount delivered to the city cost \$32,734. In 1938 it cost \$36,322. The contract for 1939 is for a 1,500-ton larger quantity than was the requirement of the 1938 contract, and the price per ton is \$4.41.

Since March the Finance Commission representatives and the chemist have been in agreement that more adequate test should be made of the material delivered. The tests referred to above which revealed the size of the mineral aggregate used in the mixture did not determine whether or not the finer substances are sand,—or cement, hydrated lime and lime-stone dust as the specifications require, which would mean a distinct difference in cost of production. The city chemist has been deprived of the use of an automobile in which he formerly collected samples for test, and no one has arranged any other method of bringing samples to the laboratory. Hence there is now no test at all.

This makes a bad situation worse. It has already been found that only feeble effort was ever made to learn if deliveries complied with specifications. Now the means of discovery if there are other violations are handicapped. The obvious result is that the city must depend entirely on a contractor who has already been found to be violating his contract.

The Finance Commission has made careful analysis of the price per ton paid by the city. It appears that the price charged does not in itself contain a very large element of profit. The commission also arranged to check the weight of the deliveries, the weighing to be done by a deputy sealer of weights and measures. The commission abandoned the idea of checking the weights because of what happened on the first attempt. The test was not satisfactory because the load which was intended to be checked arrived two and a half hours late. The commission's agent was informed that usually the loads are delivered on time.

Meanwhile, inquiry had been made by the contractor as to why the Finance Commission was bothering him. Evidently the contractor was informed that his weight was to be checked. The weight slip, though offered as a sworn weigher's certificate, was found to be at variance with the weight of the load. This delivery contained 650 pounds more of the bituminous mixture than the weigher certified was in the truck. The weigher's certificate in this case was worthless, yet the law requires that an accurate certificate of the weight of such a delivery must accompany the load. The city pays for the load on the basis of the certified weight.

#### Conclusion.

The Finance Commission finds in this situation that for three years the city has specified one size of mineral aggregate in paving mixture when it actually wanted another size and got it. There may be nothing more in this than a violation of a principle, but it must be obvious that specifications mean nothing if they can be so complacently ignored. Nor will specifications mean much if there is no test made to determine whether or not there is compliance.

In this situation so far the city has only discovered that the size of the mineral aggregate in the product delivered did not agree with the requirements of the contract. The city does not yet know, because it has made no effort to find out, whether or not the quality of the mixture is what is required.

In the absence of adequate testing and so far as quality is concerned, the city is relying on a contractor whom it knows ignored the requirements of his contract in regard to size of product.

What happened when the Finance Commission attempted to check the weights of the loads created an air of suspicion. Rival contractors of the low bidder have complained that the price is too low, if the weight and quality required are furnished.

The certificate of the sworn weigher which accompanies such loads is intended by statute to be an

accurate statement of the weight. Whether the load is lighter or heavier than the certificate shows, the certificate is equally faulty.

In view of such discoveries, which are not uncommon in delivery of the bulkier supplies of the city particularly, it would seem to be good practice for the city to weigh every load on its own scales and by a weigher known to be reliable.

The following sections of this report will add to the illustration given above of the necessity for this precaution.

## II. The Purchase and Laying of Bituminous Mixtures on Grouped Streets.

The record of the work of the Finance Commission in the twenty-nine years of its existence is dotted at regular intervals with reports upon the efforts of the commission to break up conspiracy and collusion among contractors; particularly among contractors who operate asphalt mixing plants, and who at times exact from the city an unconscionable price for the pavement of streets. On numerous occasions these efforts have been successful, and for a time after each such occasion the city escaped unwarrantedly high prices.

It has been the history of this business with the city, however, that each time the reform has only been temporary. At the first opportunity thereafter the contractors with mixing plants have come together again and fixed up a method or scheme by which each would obtain a share of the business; a method or scheme by which each would receive compensation at a price in excess of the price the city would pay if and when there had been *bona fide* competition.

On all these occasions the city's agents in charge of this business were fully informed of what was going on; yet, notwithstanding, they functioned as though it was impossible for them to do anything to change the existing condition. The price asked for was paid and no question raised or effort made to obtain a better price.

On some occasions it has appeared from the manner of the arrangement made to carry on the business that the city was a willing victim of the conspiracy. The officials never sought Finance Commission aid. In fact, they often fought Finance Commission efforts to bring about reform. It has only been when the Finance Commission has made spirited public protest and public demand for a change that anything has been attempted to curb the practice of greedy contractors.

At the present time there is a situation in this respect which is exactly similar to the many occasions on which the Finance Commission has previously made protest. The city has been letting contracts for paving during the past year to contractors whom the city officials knew had been in collusion.

Within a space of two months in 1938, for reasons which are easily established and which contain strong suggestion of criminal collusion, the prices offered the city for furnishing and laying Type I Bituminous Concrete, a type that anyone with a mixing plant can make, increased approximately 50 per cent. This price has in later bidding steadily mounted to higher figures. Yet the city accepted the condition, ordered more and more of it, split up its orders into small segments of the whole business, and made no protest.

Recently, after extensive inquiry by the Finance Commission, it was decided to reject without award the latest in the series of bids received for this kind of work. The lowest price had gone up 41 cents per ton higher than the lowest price last previously received. The administration, spurred on by the Finance Commission inquiry, finally decided to call a halt.

The system which permits this exorbitant exaction from the city is herewith explained. The Public Works Department and the Park Department purchase at various times during the year bituminous concrete known as Class I. This is used in the construction of highways and parkways which are financed in part by W. P. A. The Federal Government sometimes buys and pays for this material for W. P. A. projects out of its own funds. The quantities purchased and the frequency of purchases depend on the manner of planning the work. The city purchases are made by the Supply Department upon the receipt of requisitions from the Public Works Department and Park Department, and after advertising.

During 1937 most orders for this material simply required delivery of the product on the job, the laying being done by W. P. A. labor, and the

equipment used being hired by and paid for by the city. In one instance the purchase of the material was made on an order that required the furnishing of all necessary equipment for laying, with the understanding that the labor of laying would be furnished by W. P. A.

In 1938 a change was made in the method. The city then adopted the practice of giving contracts for furnishing and laying the mixture, the contractor being required to furnish equipment as well as material. This left simply the preparation of the sub-base for W. P. A. labor. It therefore reduced the amount of work for which the Federal Government would pay and increased the amount that would be paid for out of local taxation.

There are some advantages to this method which compensate for the assumption by the city of the responsibility for paying for a larger portion of the actual work. The job is done quicker and better, and public convenience is least impeded. The endless dragging on of a job by W. P. A. workers costs the city heavily in equipment hire as well as interrupts business, etc.

By this present method the contractors relieve the city of the onus of a long delayed job and consequent long hire of equipment. The contractor usually employs men who are skilled in this sort of work, and there is more satisfaction when the job is thus speedily and capably performed.

One might reasonably have expected that the contractors with mixing plants would have been satisfied to offer *bona fide* competition for this return to them of an opportunity to obtain business with the city. The W. P. A. had already replaced a great many contractors in performing service for the city. The principal reason why these few were still able to find some business was because they had mixing plants.

The record of what happened, however, after the new system came into operation gives abundant proof that no sooner did the fortunate contractors who have these plants obtain an opportunity to work again for the city than they began to make it difficult for the city to continue to give them work.

It was in May, 1938, that the new system was tried the first time in competition. Six local contractors who have mixing plants entered the competition. Three others did not bid. The lowest price offered was \$4.36 per ton. The other prices were \$5.37, \$5.62, \$5.86, \$5.88, and \$6.17. At these prices the contractors offered to furnish the mixture, furnish the equipment for laying and spreading it and furnish the labor. This left merely the preparation of the base for the W. P. A. paid help.

The next time there was competition was in June, 1938. This time the contractor who had obtained the contract at \$4.36 in May, increased his price to \$5.39. A contractor who had bid \$5.88 in May bid \$4.22 in June and got the contract. The other prices were \$4.61, \$4.74, \$5.30, \$5.39, \$5.97.

In September the field had narrowed down to four ostensible competitors. The winner of the first competition now increased his price from the \$4.36 offered in May to \$6.30. That firm was the highest bidder this time. The winner of the second competition at \$4.22 increased his price to \$6.28 in this September competition. A company which was highest bidder in the first competition at \$6.17 was lowest in this September competition at \$6.23. The fourth bidder, the one to whom the contract was given, bid \$5.37 in May, but \$6.25 in September. It is noteworthy that at this time the same specifications had produced an increase in price of approximately \$2.00 per ton.

In the first of two October competitions the lowest price offered was \$5.85. The winner of the first competition, however, had again raised his price and this time it was \$6.60. In the second October competition, the lowest price was again \$6.25.

In a November competition, the lowest price offered was once more \$6.25, but by a different contractor. In the six competitions, only one successful bidder offered the same price twice, but all had increased their prices substantially after the second competition. The explanation among contractors for this big change is that by September the possibility of *bona fide* competition by contractors not in collusion was eliminated for one reason or another.

Emboldened by their success in gaining control of the price and awards in 1938, the conspiring contractors evidently decided in the first 1939 competition to step-up the prices still further. Where the

lowest bid in the last 1938 competition had reached a \$6.25 per ton level, the lowest bid in April, 1939, competition was \$6.66.

#### Conclusion.

The commission believes your Honor was justified in recently ordering these April, 1939, bids rejected. No legitimate reason has been given for a step-up in price from \$4.22 in the spring of 1938 to \$6.66 in the spring of 1939. The city officials stood by passively in 1938 while the contractors worked an old game to the disadvantage of the city. The city should now assume an aggressive attitude towards contractors who conspire to compel the city to pay exorbitant prices.

In the following section suggestions will be made to cope with the situation.

#### III. Methods of Providing for Paving Jobs.

The city has been making a practice of grouping a number of streets and advertising for bids for furnishing, laying and spreading the hituminous mixture on them, and furnishing all equipment for the work. The W. P. A. first prepares the sub-base.

In 1938 the city split the work into six contracts. To judge by the one advertisement so far this year the resulting bids of which have now been rejected, the plan was to continue this practice. The job advertised in 1939 called for 1,140 tons of mixture.

The amounts of paving required by each of the 1936 contracts was 1,400 tons, 3,200 tons, 625 tons, 2,530 tons, 570 tons and 330 tons. By splitting the whole work into those segments it gave each of the contractors in the combine an opportunity to obtain one or more contracts. It is significant that the firm which obtained the largest contract—3,200 tons—was not the low bidder in any competition thereafter; also that the firm which won the first small contract—625 tons—won the next small contract also—570 tons.

It has usually been found that the greater volume offered in a contract, the better will be the price to the city if there is honest competition.

When the city grouped a half dozen streets to be paved, it has not followed that the streets would be located in one particular section of the city. It has not followed either that the streets would be ready for treatment at approximately the same time.

The result has been that the contractor would move his equipment, the cost of which enters into the price the city paid, to a particular street. When that job was finished, it usually happened that the next one was not ready. Therefore, the contractor had to move his equipment back home and wait for instructions. Eventually he had to go to the expense of moving again from an outlying section, where most contractors have their plants, with consequent expense. The second street done might be in the North End, whereas the first might have been in the South End, but it has happened that two or more streets would be almost alongside each other, yet the moving from home each time was necessary.

The method of payment has been on a tonnage basis. In each case the city knew the actual measurement of the job—the square yards covered, and the depth of the mixture, from which it is easy to figure the cubical contents. The city formerly paid for pavement on a yardage-laid basis.

Under the new form, therefore, the weight slip which accompanies the load is the basis of payment. Again, therefore, it is necessary to check weights to determine if the city is obtaining what it pays for. Yet the city apparently has been satisfied with whatever the weight slip showed.

Now the weight slips are made out by the contractor's employee. Therefore the city relies wholly upon the honesty of the contractor. The commission has found evidence that this confidence is sometimes misplaced.

The Finance Commission arranged to have official check made by the Sealer of Weights and Measures of loads delivered on a paving job where payment was by weight certificate. In six instances checked in two days, which were all that were checked at that time, the official sealer did not find one weight certificate correct. Four of the loads weighed less than the amount stated in the certificate. Two weighed more. The circumstances surrounding the delivery of the two latter loads gave impression of an effort to balance up after it was known that a false weight had been found. A driver gave an explanation which on investigation was found to be a false statement. In a similar check one week later, the official sealer found that in three more instances (again

all the loads checked) the weight slips were inaccurate. At this time the first was substantially underweight, and the two later loads were overweight, but not quite enough to make up for the deficiency in the first load.

#### Conclusion.

The Finance Commission has stated in a previous section of this report that the city should take drastic action towards contractors who conspire to defeat *bona fide* competition. The city should also take action to restrict the possibility of such collusion, as well as to function more efficiently in paving work. To advertise for a yearly price for all such work, and to make it plain that the bidding must be *bona fide* or other means will be found to obtain the service might open up the competition. It has done so once before when instigated by the Finance Commission, and the price dropped over forty per cent.

Collusion among bidders is not a new trick in city work. The Finance Commission has heard contractor gossip of collusion in other big city jobs, notably among contractors supposedly competing for snow removal work. Some city employees who might reasonably have interfered still harbor the idea that they are powerless to prevent it. Therefore, no effort is made to prevent it.

The manner of laying out the work appears illogical. If a number of streets are to be treated in one section, it seems that there must be either poor planning, or something worse, if the streets are not prepared so that work on them may be continuous until completion. Even the lucky contractors who get the jobs complain about this. To split up the work into several contracts, and to split up each contract so that the work is scattered seems indefensible.

On the matter of the weights, it is an old story. City officials know that some contractors have to be watched carefully or the city will be cheated in weights. There have been too many instances of this found even to make it argumentative.

Therefore, the city should arrange to have reliable check made of all weights and measures of delivery. This applies to oil, gasoline, sand, gravel, etc., just as much as to bituminous concrete. The present system of accepting without question weight slips made out by a contractor's employee is ludicrous in view of past experiences.

On paving jobs it seems a very questionable method of payment to have the furnishing, laying, spreading and finishing of payment based on such weight slips, when it would require less effort and be more easily checkable to pay by yardage measurement.

The Finance Commission offers these observations and suggestions now in the hope that changes in system and practice will be made before the city gets any farther into this year's paving work.

Respectfully submitted,

DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JAMES H. FLANAGAN,  
The Finance Commission.

Placed on file.

#### LAND SOLD TO LOEW'S, INC.

President MURRAY called up, under unfinished business, No. 4 on the calendar, viz.:

4. Whereas, The Board of Street Commissioners of the City of Boston, by an order approved by his Honor the Mayor of Boston, May 12, 1939, discontinued a portion of the highway named Winchester street, Boston Proper, consisting of ten square feet contiguous to the premises of Loew's, Inc., situated on the southeasterly side of Winchester street, between Lincoln place and Church street; and

Whereas, Loew's, Inc., a corporation organized under the laws of the state of Delaware and having a usual place of business in the city, county and state of New York, is desirous of obtaining the ownership of said ten square feet; and

Whereas, The said ten square feet are no longer needed for public purposes; now, therefore, it is hereby

Ordered, That his Honor the Mayor be, and he hereby is, authorized to convey to the said Loew's, Inc., by an instrument in writing, satisfactory in form to the Law Department of the City of Boston,

and on the consideration of one dollar (\$1) paid by the said Loew's, Inc., all the City of Boston's right, title and interest in the said ten square feet discontinued as aforesaid.

On May 15, 1939, the foregoing order was read once and passed, yeas 15, nays 0.

The order was given its second and final reading and passage, yeas 19, nays 0.

#### INDEFINITE POSTPONEMENT ON CONSTABLES.

Coun. ROSENBERG called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor April 17, 1939, of Constables authorized to serve civil process upon filing bonds, viz.: John J. Dillon, John A. May, Frederick J. Sarno.

Coun. ROSENBERG—Mr. President, at this time I am going to ask for indefinite postponement of No. 1 on the calendar. I might state that Mr. Dillon's name is on here, and he has passed on since the appointment, that Mr. Sarno has declined to serve as a constable this year, and that Mr. May has shown no interest in the matter of his appointment. Therefore, I move that they be indefinitely postponed. At the same time I would like to call up Nos. 2 and 3 on the calendar.

The question came on the motion to definitely postpone No. 1 on the calendar. The motion was carried.

#### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Coun. ROSENBERG called up, under unfinished business, Nos. 2 and 3 on the calendar, viz.:

2. Action on appointments submitted by the Mayor May 22, 1939, of Walter J. Stewart and Anthony J. DiSisto, to be Constables authorized to serve civil process upon filing bonds.

3. Action on appointment submitted by the Mayor May 22, 1939, of Eugene L. Murphy, George E. Munn, Waldo Malone, Warren F. Tapley, George W. McFadden, to be Weighers of Coal; and Guy L. Parks, John H. Ratigan, Walter Krockmal, George Hagopian, George Karakanian, to be Weighers of Goods.

The question came on confirmation. Committee, Coun. Irwin and Sullivan. Whole number of ballots 16, yeas 16, and the appointments were confirmed.

#### HALTING OF DEMOLITIONS BY HOUSING AUTHORITY.

Coun. CAREY offered the following:

Ordered, That, in view of the methods of the Boston Housing Authority in taking properties in the Mission Hill area and in other districts of Boston where unfair and unjust appraisals are causing hardship and financial disaster to owners and tenants alike, the remedying of which conditions is apparently under the sole control and domination of the local Housing Authority, and further because the interests of the City of Boston and its taxpayers generally are being adversely affected and because legal redress of these wrongs can be secured only after long delay and expensive trial in court, his Honor the Mayor be requested to intervene with the local Housing Authority and secure from that body the fair consideration and cooperation which, if given, will accomplish the remedies which are necessary under the circumstances, and that his Honor the Mayor be further requested to halt all demolition work either until an impartial board hears the cases or until trial by jury is had.

Coun. CAREY—Mr. President, sympathy is always extended to those who lose their homes in hurricanes, floods and in other disasters, yet there is apparently no pity on the part of the Boston Housing Authority for those whose homes are now being confiscated through the heartless methods of the local Authority. The impression has been given to us by certain members of the local Housing Board that most of those who signed off their property in the areas taken for housing did so willingly, but I say to the members of the local Authority that this is not true. I have personally listened to complaints from property owners in the Mission Hill area and we have all listened to

pathetic stories here in this Cradle of Liberty from owners in Charlestown, South Boston, and Ward 9 areas, where projects are to be constructed, and we have heard these owners tell of the pressure and the threats that were used on them in order to get their signatures. What would the average person do if told that unless he signed, the United States Marshal would come into this home, seize his belongings and place them in storage, and put him in the street? Naturally, with fear in his heart and not being financially able to fight the case, he would sign. That procedure is not democratic, and I emphasize that such procedure is not American. Because of the confiscation of these properties at the unbelievably unfair prices that have been paid, many home owners who have otherwise been able to struggle along and retain their little home will be forced to resort to public welfare, yet not one family now on welfare will be permitted to live in these housing projects because of lack of sufficient income. I insist, Mr. President, that when, through no fault of his own, you take a man's home away from him, in justice to him he should be compensated at a price that will justly reimburse him and that will permit him to rehabilitate himself and his family in another locality. That is the American principle of life, liberty and the pursuit of happiness, and that is the doctrine to which every member of this Body should subscribe. Now is the time for this Council and his Honor the Mayor to demand that fair and full prices be paid. Now is the time while these buildings are standing and when the proceeds from the sales are most needed; now is the time, before it is too late, to accomplish the protection that these property owners are justly entitled to; now is the time for his Honor the Mayor and the members of this Body to put their own loved ones in the predicament that these home owners and tenants are in; now is the time to stop this race with death and destruction; now is the time for the Mayor to step in and to demand that all demolition work be halted until either trial by jury is had, or until an impartial appeal board is given opportunity to fairly and justly appraise these properties.

Coun. WILSON—Mr. President, there is very great merit in what the councilor from Roxbury says, and it is interesting to observe that when Old Harbor Village was taken by the Government for similar purposes the owners of that particular tract of land, which had really been sold for taxes, obtained, if I remember it correctly, 25 per cent over the assessed value, which is substantially more than the poor owners of Charlestown and Roxbury and South Boston are receiving at the present time from the Housing Authority. Of course this Housing Authority is a creature of the Council's own creation, because, although the conduct of some of my colleagues would make the public, perhaps, think that the Housing Authority is within the control of the Federal Government, or within the control of the Mayor, four out of the five members of the Housing Authority are appointed, not by the Mayor with the approval of the Council, not by the Council with the approval of the Mayor, but, according to the strict letter of the law, appointed jointly. Those controlling that Housing Authority are thus appointed jointly by the Mayor and the City Council. So that we have brought the situation—those who have supported this housing authority down through the months—largely down around our own ears.

The order was referred to the Executive Committee.

#### ACCESS TO RECORDS OF HOUSING AUTHORITY.

Coun. CHASE and WILSON offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to give copies of all records and books of account relative to all housing activities in the City of Boston to the City Auditor.

Coun. CHASE—Mr. President, to my way of thinking, there is no reason why the Boston Housing Authority should not have their books, accounts and records relative to the housing activities in the City of Boston open to the public, open for public examination. Mr. President, I contend that the Boston Housing Authority is nothing but a public institution. It is a creature of this Body and the Mayor, acting jointly, and I feel that inasmuch as this Council has something to do with the appointing of that body and the

appropriation of the funds to carry on the activities of that body, we should have at all times those books open for inspection by any member of the Council or any member of the Boston public. I see no good reason why the Boston Housing Authority should not grant this request.

The order was referred to the Executive Committee.

#### SCHOOL COMMITTEE BUDGET.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor, particularly in view of the financial condition of the city, be requested to advise the City Council what steps he plans to take with reference to the 1939 budget of the School Committee, especially concerning:

1. Continued salaries aggregating in excess of \$60,000 to at least eight executives in the department.
2. Continued use of principals, day school teachers and central office clerks in the Boston evening schools.
3. Automobiles, maintenance cost for same, automobile mileage, and free taxicab service checks included in the transportation item for School Department executives.
4. An apparent annual expense in excess of \$40,000 for the repair and replacement of typewriters.
5. A continual annual expenditure in excess of \$100,000 for drawing and art supplies, an amount even exceeding the total annual expenditure of the School Department for text-books.

Passed under suspension of the rule.

#### SOLICITATION OF CASES AT CITY HOSPITAL.

Coun. WILSON offered the following:

Ordered, That the Boston Finance Commission and the trustees of the Boston City Hospital, be requested, through his Honor the Mayor, to advise the City Council as to what, if anything, has been done concerning the reported investigation of active solicitation of legal work by attorneys among accident cases at the City Hospital and undue activity by certain doctors incident thereto.

Coun. WILSON—Mr. President, some months ago we heard that the Boston Finance Commission was making an investigation of outrageous conditions at the Boston City Hospital, whereby, as a result of collusion between certain ambulance chasing lawyers of the City of Boston and some of the medical fraternity and some of the attendants at the Boston City Hospital, it was reported that accident cases were picked up in that institution almost before they had time to draw their breath or come out of the ether. I understand that the Boston Finance Commission made a rather exhaustive investigation. What became of it is what interests me at the present time. The practice undoubtedly existed, and up to a period within the last two months was still going on, and it seems to me that the Board of Directors of the City of Boston and the public generally are entitled to know whether this situation has been officially ironed out, whether it has been winked at, or whether it is to end at some time in the near future.

The order was passed under suspension of the rule.

#### TAX TITLES ON YOUNG'S HOTEL.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to advise the City Council at once concerning the status of petitions filed in the Land Court as long ago as September 2, 1936, to enforce the tax titles held by the city on the so-called Young's Hotel property, originally covering taxes for the year 1932 in the sum of \$32,826.37, which were disposed of by the city in tax sale held as long ago as August 28, 1934.

Coun. WILSON—Mr. President, when we see the property of home owners in the City of Boston, and little dwelling houses throughout the city on

which the taxes have not been paid and on which the necessary two-year period has run, pushed—and quite properly—through the Land Court so that the equity of redemption will be outlawed, even as a member of the bar I very frankly have been unable to understand the apparent reason for the delay in putting the Young's Hotel property through the Land Court in common with that of the little property owner. I don't know what strange power the owner or owners of that old building have, but I bear in mind that it was sold for 1932 taxes way back in 1934, and I bear in mind that it is long over-ripe to have been sent through the Land Court. I know for sure that the rental the city has been paying to house the municipal courts has, through a technicality, in effect been paid from one pocket into the other, reducing the 1933, 1934, 1935 and 1936 taxes. The 1932 taxes, for which the property was sold, have not yet been paid, and neither have the 1938 taxes, nor those of the current year. I don't know why this particular building, with the influence that these gentlemen, or this gentleman has, should be allowed to coast on indefinitely, while over two thousand privately owned properties are pushed through the Land Court. I urge, Mr. President, that it is high time that the situation regarding Young's Hotel—which has never been too fragrant down through the years—be brought right out in the open, in order that the public may know why this situation has existed year after year on that particular property. Is it to be occupied by the various offices of the Municipal Court of Boston, and then perhaps succeeded by some Federal Department, and then succeeded by some other State Department, until the owners of the building, who have not paid taxes on it for over seven years, finally catch up with themselves and get the property back? It is a situation that, frankly, I can't understand, and I think the public is entitled to an explanation.

Coun. CHASE—Mr. President, speaking on the order submitted by Councilor Wilson, I, too, can't understand why the City of Boston should be giving the owners of Young's Hotel preference,—something which the City of Boston positively would not do for some poor unfortunate widow who was back in the payment of her taxes. I can't conceive why such a thing should be allowed. The City of Boston should take that property over and house their municipal departments within its walls. We are paying in the vicinity of \$36,000 a year in rents. The Law Department, alone, on Beacon street, is costing the City of Boston about \$15,000 a year for rent, and it could be housed in that building, rent free, if the City of Boston would only foreclose on the tax title and take the property. It is, I think, about time that it was done, and I think the taxpayers who are forced to pay their taxes on time are very much interested in seeing that something is done.

The order was passed under suspension of the rule.

#### DEMOLITION OF ATLANTIC AVENUE ELEVATED.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to promptly advise the City Council with reference to the legal rights, if any, of the City of Boston, through the Building Commissioner or otherwise, to condemn and assure demolition of the Atlantic avenue elevated structure.

Coun. WILSON—Mr. President, this was the order which, by action of the Executive Committee at our last meeting, except for the absence of some of the brethren, was to have been introduced and passed by the City Council. Since that time I understand that there have been conferences with the Mayor, and I have every hope that it is not impossible that the request originally made in the City Council and passed unanimously, that we not pay the Elevated anything at all for this abandoned structure, be complied with, and that at an early date, with an ironing out of the difficulties, we may be in a position to demolish it. But in the meanwhile there certainly is no objection in obtaining this opinion from the Corporation Counsel.

The order was passed under suspension of the rule.

#### SATURDAY MORNINGS OFF FOR HOSPITAL CLERICAL WORKERS.

Coun. WILSON and KELLY offered the following:

Ordered, That his Honor the Mayor be requested to include clerical workers at the Boston City Hospital in order recently issued permitting a number of Saturday mornings off, during the summer months, for all but necessary skeleton crews.

Passed under suspension of the rule.

#### MOVING OF FAMILIES FORCED TO EVACUATE.

Coun. WILSON and CHASE offered the following:

Ordered, That his Honor the Mayor be requested to promptly confer with the Boston Housing Authority with reference to an appropriation of money being made available for moving poor families who have recently received notice to vacate dwelling units located in each of the four areas taken by eminent domain proceedings for housing projects.

Coun. WILSON—Mr. President, a year ago February the Council, in my opinion without any legal authority whatever, on the assurance of the Housing Authority and the Mayor that the money would be paid back into the city treasury before the close of the year, appropriated out of the city treasury \$20,000, which, incidentally, has never been returned. After the time came when the Council's approval was not necessary, a transfer added another \$10,000 in November or December to the original \$20,000 for the expenses of the Housing Authority, or a total of \$30,000, and there is now pending before the Executive Committee of the City Council a further request for another \$25,000 for the expenses of the Housing Authority, largely, we are told, for pay roll purposes, bearing in mind that at the central office of the Housing Authority there are some twenty-five to thirty persons on a weekly pay roll of about \$1,500. Very frankly I state again that I question the legality of any such raid on the treasury of the City of Boston. But certainly if that is legal, and certainly if there is any contemplation on the part of any member of the Council to pass that \$25,000 on top of the \$30,000 which has now gone into the discard, apparently, the City of Boston must owe some duty to the poor and the destitute who, practically without warning, on a thirty-day notice, have been ordered out of their dwelling houses in four sections of the city, on the initiative of the Housing Authority, by eminent domain, a power never before exercised by any semi-private corporation—a power greater than the Mayor has, a power greater than the Governor of the Commonwealth has. Five men in a corporation, a private corporation, with power by eminent domain to drive from their homes and firesides 6,200 families on thirty days' notice! Now, a lot of those families, we have been told at the hearing which was held in this hall, not only are on the public welfare rolls of the City of Boston, not only are, many of them, being now supported by W. P. A., but they actually literally have not got the price to get out inside of thirty days. If the city government of the City of Boston, in all its philanthropy and generosity for public housing, can illegally find money to meet the pay roll of the Boston Housing Authority to perpetuate this destruction of the financial structure of the city, then we ought to find sufficient money for the poor and destitute of Boston to move them out of those homes that they have got to leave as a matter of law and move to some other location, although anybody who knows the facts knows that 90 per cent of those families are going to be forced to move out of places that are livable into places a lot worse than the homes they have left. And so I urge the adoption of this order, feeling that if there is any legal authority in the city government to step into this situation it certainly owes a superior duty to the poor and the destitute who, indirectly through our action, are being thrown out of their homes—a duty superior to that which we owe, if any, to the Boston Housing Authority.

Coun. CHASE—Mr. President, some six months ago I raised the issue as to what was to happen to the unfortunates who are compelled to move from these proposed housing sites, and not long

ago I introduced an order into the Council similar to the one which Councilor Wilson has put in just now. That was six months ago, and we were led to believe at that time that some action would be taken whereby these poor and needy people who were forced to vacate would be given financial assistance in moving. But nothing has been done in the matter. I think it is a despicable thing, I think it is a miserable thing, that the Housing Authority should go to the extent of moving these people without making proper arrangements, and I think it is only proper that this Body, along with his Honor the Mayor, insist that the Housing Authority make ample provision to move these families.

Coun. GALVIN—Mr. President, about eight or nine months ago I introduced an order into the City Council that each family which resided in any apartment which was about to be demolished should be allowed \$5 for the purpose of moving. We have had no report from the Boston Housing Authority as to whether or not they were going to carry out that purpose, and I believe now that the time is ripe for the members of the Boston City Council to appropriate \$50,000 to the Welfare Department for that particular purpose and then let the Corporation Counsel fight it out with the Boston Housing Authority to see if they can't collect the money. Let us take care of these unfortunate people first and let them fight out the value that is attached to it afterward.

The order was passed under suspension of the rule.

#### INFORMATION FROM HOUSING AUTHORITY.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority, through his Honor the Mayor, be requested to furnish the City Council promptly with the following items of information:

1. How much of the so-called \$15,000 "service charge" was paid to the City of Boston for Old Harbor Village prior to January 1, 1939?
2. How much of the \$30,000 appropriated by the City of Boston for the use of the Boston Housing Authority during 1938 was paid back into the city treasury prior to January 1, 1939?
3. In detail, exactly what disposition was made of the \$30,000 appropriated by the City of Boston for the Boston Housing Authority in 1938?
4. Give a financial statement of the assets and liabilities of the Boston Housing Authority (a) as of December 31, 1938, (b) as of June 1, 1939.
5. Give a schedule of the income and expenses of Old Harbor Village (a) for the period ending December 31, 1938, and showing the net income if any from operations and (b) for the full one-year period commencing May 1, 1938, and showing the net income if any from operations.
6. The excess over assessed valuation which was paid for real estate on which Old Harbor Village was constructed.
7. The total assessed valuation of each of the four locations in Boston recently taken by eminent domain proceedings.
8. The total appraisal valuation fixed by the Boston Housing Authority for each of the four locations in Boston taken by eminent domain proceedings.
9. The total number of dwelling structures (not units) (a) taken by eminent domain proceedings in each of the four locations and (b) the number of such dwelling structures now wholly or in part occupied by owners of the same.
10. The total estimated expense, including purchase price, of location and construction cost of each of the four locations now contemplated incident to recent takings by eminent domain proceedings.
12. The total number of families residing in the 822 dwelling units located in the fourth or Mission Hill area recently taken by eminent domain proceedings.
13. (a) The number of so-called tax title properties located in each of the housing areas and owned by the city as of May 1, 1939, with (b) the assessed value of the total number of tax title properties in each of the four areas.

14. Are the various so-called tax title properties owned by the City of Boston as of May 1, 1939, and which are included in the recent four takings by the Boston Housing Authority (a) to be paid for by the Housing Authority at the assessed valuation, (b) paid for by the Housing Authority at tax title figures or (c) donated by the city wholly or in any part?

15. The number of families in each of the four areas recently taken by eminent domain proceedings (a) now solely dependent for income on payment received from the Public Welfare Department (b) now solely dependent for income on payment received from the W. P. A.;

16. The proposed so-called "service charge" planned for each of the four new housing projects now contemplated.

17. The total number of apartments at Old Harbor Village as of May 1, 1939, (a) occupied, (b) vacant.

18. The amount of the present weekly pay roll of officials and employees of the Boston Housing Authority, giving the Central Office and the office at Old Harbor Village separately.

19. The present number of paid officials and employees of the Boston Housing Authority, giving the Central Office and the office at Old Harbor Village separately.

Coun. WILSON—Mr. President, I urge upon your good self and the members of the Council the fairness of that list of questions, an answer to which I would assume among any group of supposed business men, directly or indirectly spending the money of the citizens of Boston, would be essentially necessary before they could justify, each one in his own mind, voting for either one of two orders now pending before the Council. One order, now pending before the Council, is whether to authorize the entering into new co-operation agreements involving more than twenty-seven million dollars; and the second order pending before us is an order to take from the city treasury \$25,000 for the operating expenses of this private corporation. I would assume that any member of the City Council, before voting on either one of those two measures, would need some information for the future, drawn from the experiences and the figures of the past. I would assume, for example, that any member of this Body, before voting for the \$25,000,—assuming that such a vote was legal, which I do not believe it is,—would want to know what was done with the \$30,000 in 1938. But most especially I would expect that before the City Council encouraged or made possible the expenditure of more than twenty-seven million dollars on housing in this city, they would want to know what the expense of the four housing projects just taken by eminent domain was. They would want to know, after those four projects are completed, what remains of the twenty-seven million dollars, before there is an authorization for further money. Very frankly, I can't visualize any member of this Council voting on either of those two measures and daring to stand for re-election, daring to meet any constituents this year without being able to explain the disposition of the \$30,000, without knowing what the four new projects would cost, without knowing how much leeway, if any, there is in the present twenty-seven million dollars. Now, with reference to some of the other inquiries, for some strange reason it seems almost impossible to get any tangible or detailed information from the publicity department of the Boston Housing Authority, except such information as they feel may draw tears from the eyes of the public. They not only do not advance the information but they are very slow to give the information when it is requested. There is not a private corporation in the whole Commonwealth of Massachusetts but which, five months after the close of the calendar year 1938, under the law is required to file in the office of the Commissioner of Corporations a certificate of condition showing its assets and its liabilities at the close of the year, and yet the chairman of the Boston Housing Authority—for whom personally I have every regard—really had the audacity about two weeks ago to tell the directors of the City of Boston that the Boston Housing Authority, appointed by the Mayor and the Council, in charge of these millions of dollars, and with the right to put thousands of people out of their homes by eminent domain, had no real, detailed idea as to the results of operating Old Harbor Village for the calendar year ending five months



before. Anywhere but in this Body, anywhere but in Boston, Mr. President, that statement would sound ridiculous. And yet there are these two orders pending before us, one to increase the money above twenty-seven million dollars, the estimate spent for housing in Boston; the other for \$25,000 for operating expenses of the Housing Authority, and the Authority that asks us to pass the vote, five months after the close of the calendar year, can't give us any facts or figures on the operation of the six and a half million dollar project that they have been operating since May 1, 1938. I repeat, Mr. President, that any vote by any member of this Council on either of those two measures until we get some tangible information from the Housing Authority will make every man in this room who votes in favor of either one of those two measures look as ridiculous as a dwarf two inches high.

The order was passed under suspension of the rule.

**FINANCE COMMISSION REPORT RE ELEVATED FAVORED.**

Coun. TAYLOR offered the following:

Resolved, That the City Council of Boston hereby records itself in favor of the report pertaining to the Boston Elevated Railway Company, which was submitted to this Body today by the Boston Finance Commission.

Coun. TAYLOR—Mr. President, it is about time that something definite and concrete should be done pertaining to the millstone which has been tied around the necks of the taxpayers of the City of Boston for many years. Year after year the taxpayers of the City of Boston have been compelled to contribute generously towards the huge deficit of the Boston Elevated Railway Company. I cannot understand why this company should have mounting deficits annually, when other railway companies in the country are able to run at a profit or at least not with such a great deficit. Is it because the stockholders of this great corporation are guaranteed by a contract with the State for annual dividends, that this concern must be run at a loss every year which loss must be paid by the citizens. If the Boston Elevated Railway Company were run by its own stockholders without any guarantee, do you think that there would be any such deficit? There is no question in my mind that the rolling stock of the Boston Elevated Railway Company is one of the finest, if not the finest of any railway company in the United States. Is it possible that they have in back of their minds that at some future date the Boston Elevated Railway Company will revert back to its stockholders and at that time it will receive a company with the best rolling stock and with tremendous assets paid for at the expense of taxpayers of the City of Boston? There must be some legitimate reason why the deficit is so great. When we take into consideration that the fare of 10 cents charged by this company is one of the greatest charged by any railway company, it is impossible to understand why this deficit should be so large and the only reasonable conclusion that can be arrived at is that there must be some mismanagement either by unreasonable overhead expense, which undoubtedly includes excessive salaries or the purchase of new equipment which is unnecessary, or the unreasonable charge of depreciation and obsolescence on the books annually. The Boston Elevated Railway Company will not cooperate with the trustees of the Boston Elevated Railway Company or the citizens of Boston. We have now on Atlantic avenue a structure which is in disuse because of an act of the Boston Elevated Railway Company Trustees, but which the stockholders have objected to and will not abandon because under their terms of the contract with the State, if they do abandon it it will be necessary for the citizens of Boston to pay them what they call the fair value of this useless structure. This structure is a barnacle on the ship of progress of Boston. If it were to be torn down Atlantic avenue undoubtedly would make a beautiful highway in the City of Boston, alleviating considerable traffic congestion in the City of Boston. It would be a great boon to real estate in that vicinity and would undoubtedly attract much building and many business men to that vicinity. I think the suggestion as reported by the Finance Commission should be approved and that we should indorse any action on their part to investigate into the

finances of the Boston Elevated Railway Company to determine whether or not citizens of Boston are contributing to the welfare of wealthy stockholders, many of whom are always ready to shriek "Economy" and who are the first to suggest that city employees' salaries should be cut, when at the same time they are putting into their pockets undeserved dividends on their stock, paid by the taxpayers of the City of Boston. I ask the passage of this resolve.

Coun. IRWIN—Mr. President, I do not think that at this time this Body should go on record as favoring the spending of \$10,000 more of the taxpayers' money, appropriated to the Finance Commission to hire special investigators, special clerical service, in an investigation of the assets of the Boston Elevated. I think this would be doing a job that has already been started by the State. Governor Saltonstall requested, in a special message to the Legislature, \$39,000, or somewhere about that sum, to be given to the Department of Public Utilities for this same investigation. This bill was defeated, but a substitute bill is up before the Legislature at the present time, creating a special commission to study the assets and liabilities and the workings of the Boston Elevated. I think the Finance Commission, if the bill is passed, will obtain whatever information they desire at the cost of the State and we should not do a double job by putting \$10,000 more on the citizens of Boston. I think that, pending the outcome of that bill, this matter should lie on the table.

Coun. McMAHON—Mr. President, I ask that it be referred to the Executive Committee.

The resolution was referred to the Executive Committee.

**PROHIBITION OF AUTOS FROM FRANKLIN PARK.**

Coun. ENGLERT offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to place signs at Franklin Park prohibiting automobiles from entering the park, and thereby eliminate the possibility of accidents and injury to women and small children walking through the park.

Passed under suspension of the rule.

**USE OF BREWSTER SCHOOL.**

Coun. ROSENBERG offered the following:

Ordered, That the Superintendent of Public Buildings and the Boston School Committee be requested, through his Honor the Mayor, to consider the advisability of transferring the abandoned Brewster School, located on Morton and Norfolk streets, to the Public Buildings Department, and that same be turned into a local recreational building for the use of the citizens of the community.

Coun. ROSENBERG—Mr. President, located at the corner of Morton street and Norfolk street is a large wooden schoolhouse structure that has been abandoned by the school authorities. There has been a great demand in the district for recreational facilities, for a building where the children and the youngsters might be kept off the street and given some useful training in order to curb the so-called child delinquency which occurs in certain sections of the district. This building is ideally located as a center, and if we can get the school authorities to transfer the building to the Public Buildings Department it can be used for the great benefit of the people of that district. I move the passage of the order.

The order was passed under suspension of the rule.

**EXTENSION OF BUS LINE TO CARSON BEACH.**

Coun. ROSENBERG offered the following:

Ordered, That the Board of Trustees of the Boston Elevated be requested, through his Honor the Mayor, to extend the route of the bus line which is operated during the summer months from Franklin Park Station to Carson Beach so that it will run from the junction of Morton street and Blue Hill avenue to Franklin Park Station and then over the usual route, on a five-cent fare.

Passed under suspension of the rule.

## FENCE ON FRANKLIN FIELD.

Coun. ROSENBERG offered the following:  
 Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to erect a fence or some other ornamental decoration on Franklin Field adjoining the baseball grandstand in order that the view of the cemetery might be eliminated.

Passed under suspension of the rule.

## ARC LIGHT, WARD 15.

Coun. KELLY offered the following:  
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install an arc light at the corner of Bodwell street and Baker avenue, Ward 15.

Passed under suspension of the rule.

## SIDEWALKS, WARD 19.

Coun. LANGAN offered the following:  
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install sidewalks on Chestnut avenue, both sides, from Green street to Forbes street, Ward 19, under the W. P. A. plan of construction.

Passed under suspension of the rule.

## RESURFACING OF BROOKDALE STREET.

Coun. LANGAN offered the following:  
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth pavement Brookdale street, Ward 19, under the W. P. A. plan of construction.

Passed under suspension of the rule.

## TRAFFIC LIGHTS, WARD 19.

Coun. LANGAN offered the following:  
 Ordered, That the Traffic Commission, through his Honor the Mayor, be requested to install traffic lights on the following locations in Ward 19: On Centre street, in front of the Faulkner Hospital; on Centre street, at Louder's lane.

Passed under suspension of the rule.

## WARREN SQUARE, WARD 19.

Coun. LANGAN offered the following:  
 Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to lay out and accept Warren square, Ward 19, as a public highway under the W. P. A. plan of construction.

Passed under suspension of the rule.

## UNDERPASS, PARSONS STREET.

Coun. SULLIVAN offered the following:  
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange a W. P. A. project for the construction of a pedestrian underpass at Parsons street, Ward 22, abutting the present motor traffic underpass under the Boston & Albany tracks.

Passed under suspension of the rule.

## SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of June.

Report accepted; said order passed.

## USE OF BOWDOIN SCHOOL YARD.

Coun. FITZGERALD and SHATTUCK offered the following:

Ordered, That the School Committee be requested, through his Honor the Mayor, to consider the advisability of keeping the yard of the Bowdoin School on Myrtle street open after school hours and during the summer vacation period as a playground for the young children of the district.

Passed under suspension of the rule.

## SHUTTLE LINE, NORTH-SOUTH STATIONS.

Coun. FITZGERALD offered the following:  
 Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to consider the advisability of operating a shuttle line between the North and South Stations during the summer months, the schedule for same to be so arranged that the trains will connect with outgoing and incoming boats of the Nantasket Steamship Line at Rowe's Wharf.

Passed under suspension of the rule.

## WARD 13 IMPROVEMENTS.

Coun. HUTCHINSON offered the following:  
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 13, under the W. P. A. plan of construction: Woodward Park street, Ingleside street.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Letterline terrace, Ward 13, as a public highway, under the W. P. A. plan of construction.

Severally passed under suspension of the rule.

## RESURFACING OF ASHLAND STREET.

Coun. FITZGERALD offered the following:  
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Ashland street, Ward 3, under the W. P. A. type of construction.

Passed under suspension of the rule.

## RECESS.

The Council voted at 3.27 p. m., on motion of Coun. AGNEW, to take a recess subject to the call of the Chair. The Council reassembled and were called to order by President MURRAY at 4.13 p. m.

## OFFENSIVE MAGAZINES.

Coun. AGNEW offered the following:  
 Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to investigate the circulation and sale of various magazines in the city which are offensive in their contents and destructive to the morals of both children and adults.

Coun. AGNEW—Mr. President, at the present time, in my opinion, illustrating the lack of efficiency shown so far as investigation and observance is concerned throughout the city in various places, certain magazines are on sale today that should be barred from any worthwhile, decent newsstand. It certainly tends to create in the minds of the young in our city as well as the adults who seek out that sort of literature, anything but what is a help to the children of our city. I believe that the Police Commissioner could, through the officers of the various stations in the various sections of the city where it is happening, have those police observe on the stands the various magazines that are being sold and prohibit, or do something to prohibit, the importation of those magazines into the city and putting them on sale. It would certainly help so far as our youth are concerned, and it would certainly deter older people from seeking that kind of literature.

The order was passed under suspension of the rule.

## IMPROVEMENT OF SUMMER STREET.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install W. P. A. sidewalks on both sides of the accepted portion of Summer street, Ward 20.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Summer street, Ward 20, as a public highway, under the W. P. A. plan of construction.

Severally passed under suspension of the rule.

## PUBLIC HEARINGS ON FEDERAL HOUSING.

On motion of Coun. GALVIN the Council took up No. 5 on the calendar, viz.:

5. Ordered, That the Executive Committee of the City Council hold public hearings in each ward of Boston to determine the sentiment of the people of each ward in connection with further Federal housing in Boston.

Coun. GALVIN—Mr. President, in the last minutes of our last meeting I introduced an order before this Body to bring to each ward in the city an executive session of the City Council, in order that we might get the true sentiment of the people in each and every ward of the city. We had a public hearing here last week relative to the Federal Housing, and I found from my district that there were only approximately fifteen people here in protest on the housing. There are approximately thirty thousand residents in Charlestown, and I believe that the people of Charlestown, like all other districts of Boston, would like to be able to attend night meetings of the Boston City Council in their respective districts.

Coun. WILSON—Mr. President, with reference to the proposed order for a hearing in each ward—an evening hearing, as I gather, in each of the twenty-two wards of the city of Boston—I am, of course, in favor of permitting the residents and the taxpayers of the City of Boston to express their desires on an important matter which may mean the financial bankruptcy of the city, and which, if plans are carried out, will, of course, mean the removal of not less than thirty-five thousand self-supporting families from privately owned property to housing projects. It was for that reason that I introduced an order that his Honor the Mayor be requested at this year's City Election to provide that there should be a plebiscite on the city ballot this year, which would entail no additional expense, but could be effected on an election day now not many months removed. I, of course, bear in mind that in the referendum held last November in Wards 12, 18, 19 and 20, the vote was 14,170 for housing and 30,685 against. I, of course, bear in mind that at the public hearing which we held in this hall last week the vote in effect, so far as the extension of housing was concerned, was 136 against housing—and I have the cards here—and 89 in favor of an extension of housing, and out of the 89 votes in favor of an extension of the housing 29 votes, or almost exactly one third, were votes of persons now living at Old Harbor Village. So I know that, so far as this Council has ever had any information on the subject, the people of Boston are obviously at least two to one against these votes that we have been persistently passing. It seems to me, however, that a proper way of ascertaining the real public sentiment is to place it on the ballot. However, preceding a possible plebiscite—and I shall ask that the order in reference to the plebiscite be taken from the table today—I would like to inquire what suggestions the gentleman would make with reference to the locations where these hearings will be held. I mean, who is going to provide the lights and the expenses and the hall?

Coun. GALVIN—Mr. President, I believe the proper place to have these public hearings is in the high school in each ward in Boston, and the expense of engaging the high school is only approximately \$8 a night.

Coun. WILSON—Mr. President, do I understand that we have money available, or authority to make money available? I am only too delighted, if the gavel holds out, to preside at any or all of these meetings, but I would like to have somebody provide the facilities. As chairman

of the committee, I should be very glad indeed, if given the resources, to have the first hearing in Charlestown.

Coun. GALVIN—Mr. President, in answer to the councillor from Dorchester, I believe that the money would come from the same fund from which we take the money to hire Faneuil Hall here for our weekly meetings.

Coun. TAYLOR—Mr. President, I move that the order be laid on the table.

The question came on Coun. Taylor's motion to lay the order on the table. The motion was declared carried.

Coun. AGNEW doubted the vote and asked for the yeas and nays. The roll was called and the motion was lost, yeas 7, nays 11:

Yeas—Coun. Carey, Chase, Englert, Fitzgerald, Hutchinson, Shattuck, Taylor—7.

Nays—Coun. Agnew, Fish, Galvin, Irwin, Kelly, Langan, Lyons, McMahon, Murray, Rosenberg, Wilson—11.

The question came on the passage of the order.

Coun. CHASE—Mr. President, I might say at the outset, if the Executive Committee of the Boston City Council was to hold a meeting in every ward of the city it would be ridiculous. You would not be able to get a true sentiment of the people. I believe that the majority of the people who would attend these ward meetings would be the radical members of the citizenry of Boston. You would have certain labor organizations going from ward to ward; you would have the reds going from ward to ward; you would have all the radicals in the city, who do not live in the individual wards, going there voicing their expression, raising unnecessary noises and disturbance in these meetings. There is only one fair way to get at the sentiment of the people of Boston, and that is to put the question on the ballot. Let the citizenry vote the democratic way. Don't be swept by the reds and radicals who go from ward to ward and bluff the people, the way they have done in the past, and the way they have connived to do in the future. I think the Council is doing a most foolish thing. You are playing into the hands of the reds. You should call the bluff of the reds and put the question on the ballot. Let the citizens of Boston express their opinion. Let the people have the question on the ballot where it belongs; let us not intercede.

Coun. IRWIN—Mr. President, I am very much surprised at the previous speaker, who has delayed the budget from coming before this Honorable Body due to little petty items, \$50 or \$100, the reason being given that it is for the sake of economy in the interest of the taxpayers, while on the other hand he would favor a plebiscite throughout this city that would cost thousands of dollars. I cannot understand that action of his and his attitude on this matter.

Coun. ROSENBERG—Mr. President and members of the Council I believe that a meeting of the Executive Committee in the various sections of Boston would be very helpful in getting the sentiment of the people living in those immediate sections. I believe that the primary purpose of this order would be to have the Executive Committee go into the various districts, and go into them at a time when the residents of the district would give a true expression of their sentiment. We know that when public meetings have been held here in Faneuil Hall only those who perhaps have leisure time, those who are connected with certain industry, have the opportunity of coming into such public hearings at Faneuil Hall during the day time. By having a public hearing in the evening, all the people who are interested, the real estate owners, the residents and the business people, will have an opportunity of coming in and having their voices heard in their respective communities, and I believe by that expression we will be able to get the true sentiment of the respective districts. It is not for the purpose of rabble-raising; it is for the purpose of getting the sentiment of the people in the respective districts. What of it if labor leaders come in or if real estate owners come in from various other sections? If they are interested in the district, resident in the immediate vicinity, those are the people that I believe the Executive Committee will listen to. In other words, when we have a public meeting here in Faneuil Hall we listen to the representatives from all over the city, but in the local districts we can restrict the hearings to the residents of the immediate district and to the taxpayers of those vicinities.

Coun. CHASE—Mr. President, in answer to the remarks from the councillor from East Boston

(Coun. Irwin) I would say that the question before us has no bearing on the budget. I am surprised that he brings that issue into the question. I assure the gentlemen here that when the proper time comes for me to present the budget I will present it with recommendations for sizable reductions, and I hope the members of the Council will support those recommendations as they will mean a sizable cut in the tax rate. Now, in answer to what the other councilor says, may I say that if two thousand people come from the Blue Hill avenue section into my district because the people in that area are interested in housing, and jam themselves into a high school building that has a seating capacity of eight or nine hundred, clearly that will not help us, and that is a situation that may exist in my district or any other district. There are over 14,000 voters in my district, Mr. President.

Coun. ROSENBERG—Mr. President—

Coun. CHASE—Mr. President, there is not a schoolhouse there large enough.

Coun. ROSENBERG—Mr. President, will the councilor yield to a question?

Coun. CHASE—I do not yield.

President MURRAY—The councilor does not yield.

Coun. CHASE—There is not a building, Mr. President, in any ward in the city which is large enough to seat the entire voting citizenry of that ward. This is a ridiculous proposition. I am surprised that there is even one man in this Body who will support such a foolish, ridiculous idea as to vote public hearings in each ward, when you can get a true and accurate expression of the citizens of Boston on the ballot. Now, Mr. President, we have many questions on the ballot here. We have the question as to whether or not the Mayor of Boston shall be allowed to succeed himself. We have other questions. Why should not this question be put on the ballot so that every voter will not be placed at any inconvenience, that every voter will have ample opportunity to vote the way his honest conscience dictates? I say that if the Council adopts this order you will be defeating the purpose of democracy, you will be playing into the hands of the radicals and of red Russia.

Coun. AGNEW—Mr. President, did not the last speaker introduce an order pertaining to public hearings on housing at the last meeting?

President MURRAY—The Chair rules that No. 5 is what the gentleman called up.

Coun. AGNEW—That is not what I referred to, Mr. President. At the last meeting of the Council did not Councilor Chase introduce an order for public hearings?

Coun. CHASE—Mr. President, I shall be very glad to answer the man in charge of fish at the State House on that question. Yes, I introduced an order. I asked for a public hearing in Faneuil Hall to get at the sentiment of the people. But why did I ask for the hearing? For the same reason that the members of this Body so acted in regard to accepting the \$17,000,000 proposition, the same as they acted in regard to accepting the \$10,000,000 plan whereby Boston was to spend \$191,000,000. That is why I asked for a hearing, to get the immediate sentiment of the people, and I say it had that result, Mr. President. And if the man from the State House, who is so interested in fishing, were here a little more often, he would not have to ask that question. He would not think of asking that question.

Coun. TAYLOR—Mr. President, when this question of public hearing came up last week, I judged by the enthusiasm displayed by the councilor from the Back Bay (Coun. Chase) and the councilor from Dorchester—

Coun. WILSON—Which one?

Coun. TAYLOR—The councilor from Ward 17 (Coun. Wilson) that this hall would be filled to such an extent that the people would be way down to Commercial street and that we would have to use loud speakers in order that they might hear what was going on in this fine old edifice. Well, we got down here, and the chairman took a poll, and we found that there were 136 people in the entire City of Boston who were so interested against housing that they came down here to express their sentiment. One hundred and thirty-six people in Boston that were against housing. The City Council is making itself look ridiculous with these public hearings. It made itself look ridiculous at what I would call an inglorious demonstration that took place in this building. It was a disgrace to the City Council. And I do

not believe that the public hearings will benefit us one iota, because the people are not interested. Those selfish people who have real estate, apartment houses from which they derive their income, are the only ones interested, and I don't think the Council ought to place itself on record as far as the public is concerned, as having gone far enough in these housing hearings, because the public of Boston did not show enough interest then to indicate that they were really interested. I think we ought to do away with all this public hearing business.

Coun. SHATTUCK—Mr. President, this is probably as important a question as we have had in the Council for a number of years. On many questions that are not as important we consult the voters by a referendum. That is the only way we can get the real sentiment of the people, and that gives every person an opportunity to voice his opinion. I believe that is the way we should handle this question.

Coun. AGNEW—Mr. President, I see no reason why, if the councilor from the Back Bay (Coun. Chase) saw fit to put in an order a couple of weeks ago asking for a public hearing in a certain district of Boston, he should now object to an order being put in by a councilor to have hearings in every section of Boston. What is the difference? Is there a choice in the sections of Boston where these hearings should be held, or is there some purpose or ulterior motive that causes it to be requested so far as one particular section is concerned? What is the difference? Let us go all over the city, and find out the sentiment of the people through these hearings. Instead of picking out one choice spot we can find out from all over Boston, and in my opinion Councilor Galvin's order is perfectly in order. With my experience at the State House, my intelligence leads me to believe that that is the proper thing to do. Probably some of my adversaries here, if they should reach the height of being in the State House, would have heter judgment also.

Coun. FITZGERALD moved the previous question which prevailed.

The question came on the passage of No. 5 on the calendar. The roll was called and the order was passed, yeas 14, nays 4:

Yeas—Coun. Agnew, Carey, Englert, Fish, Galvin, Hutchinson, Irwin, Kelly, Langan, Lyons, McMahon, Murray, Rosenberg, Wilson—14.

Nays—Chase, Fitzgerald, Shattuck, Taylor—4.

Later in the session Coun. CHASE said:

Mr. President, I now move that the Council reconsider the vote on Councilor Galvin's order for public hearings in each of the twenty-two wards. If my motion for reconsideration prevails I shall then move to amend his order so that the order will read that only actual residents in each ward shall be able to attend these ward meetings.

The question came on reconsideration. Reconsideration was refused.

Coun. CHASE—Mr. President, I understand that this Body wants to go on record as making it possible—

President MURRAY—The councilor is out of order.

#### MOVING OF FAMILIES EJECTED BY HOUSING PROJECTS.

Coun. GALVIN offered the following:  
Ordered, That his Honor the Mayor be requested to immediately establish an emergency fund of fifty thousand dollars, to be expended under the jurisdiction of the Public Welfare Department, for the purpose of moving families ejected from the housing areas; and be it further—

Ordered, That the Corporation Counsel be instructed to take steps to have the City of Boston reimbursed by the Boston Housing Authority for the amount of the fifty thousand dollars expended for the purpose stipulated.

Referred to Executive Committee.

#### LEAVE OF ABSENCE TO SPANISH WAR VETERANS.

Coun. GALVIN offered the following:  
Ordered, That the members of the Spanish War Veterans Camp who are employees of the City of Boston be granted leave of absence on June 9, 10 and 11, without loss of pay, to attend the annual convention of the order at Brockton.

Passed under suspension of the rule.

## PLEBISCITE ON HOUSING PROJECTS.

Coun. WILSON called up No. 7 on the calendar, viz.:

7. Ordered, That his Honor the Mayor be requested at this year's city election to provide for a plebiscite or referendum which will permit the voters of Boston to express their approval or disapproval of either the extension of Federal low rent housing in Boston or carrying out the proposed ten-year plan which the Housing Authority has informed the Council will finally house no less than 35,000 Boston families following an expenditure of \$191,000,000.

Coun. WILSON—Mr. President, with reference to this particular order, I do not assume it would require any great degree of explanation, since a very decided majority of the Council has vigorously voted in favor of a public hearing in the wards, and if you have a public hearing in every one of the twenty-two wards in the city I would assume that all who voted in favor of such a hearing, and also those who thought that the proper way to do it was by a plebiscite, would unite in a unanimous vote in favor of this order which requests the Mayor to provide for a plebiscite or a referendum which would permit the voters of Boston officially, in a democratic manner, when in the voting booth in each precinct in the city next November, officially express their preference on the question of housing. While it may be that these public hearings in the various wards of the city may get out some public thought and ideas on the subject, as at the hearing in Faneuil Hall there will probably be cheering sections present from Old Harbor Village and the office of the Housing Authority, I feel that the best way to ascertain the wishes of the voters is in the usual way provided in a democracy, as has been said, namely, by a plebiscite, one of which has already been provided for, as I understand it, in the city of Cambridge. As a matter of fact, despite what one of the councilors said, it will involve a very small additional expense, probably not amounting to \$100. The ballot for the City Election will be printed and there will be a referendum on the ballot whether the Mayor of Boston should be permitted to succeed himself or not, and then somewhere else on the ballot a few lines would be printed at very slight additional cost, probably for the ink only, on the question of the possible extension of public housing in Boston. I would like to ask that there be put on the record concerning the vote on this measure the editorial which appeared in the Boston evening *Traveler* of Thursday, May 18, 1939.

The editorial referred to is as follows:

## "HIGH-HANDED SLUM CLEARANCE.

Slum clearance does not clear slums. Right here in Boston we have a great Federal apartment structure built on vacant land. The slum clearance plan calls for a ten-year program of \$150,000,000 for Boston alone. Some of it may actually be slum clearance, but there is great doubt that persons living in slums can afford to occupy slum clearance apartments.

The entire slum clearance program is an extravagant experiment, the cost of which must be borne in considerable degree by persons who are forced to live in less desirable quarters in order to build and maintain superior living quarters for the privileged few.

The Cambridge City Council had the good sense to ask that a vote be taken throughout the city on the question of accepting housing projects in that city for which the Federal Government had allotted \$4,500,000.

The Boston City Council, on the other hand, has less confidence in the wisdom of its people. When Councilor Wilson asked for a city-wide plebiscite to determine the sentiment of the people of Boston toward the \$150,000,000 housing program, the City Council tabled the measure.

Various arguments are advanced in favor of slum clearance. One is the false claim that slum clearance clears slums. A fear is expressed frequently that if we do not take the Federal grants, the money will go elsewhere. Yet if we do take the Federal grants, the city then loses a considerable income from taxes and is called upon to maintain various city services for the slum clearance structures.

What is the Boston City Council afraid of? Does it fear that the people would vote against the slum clearance program?"

Coun. TAYLOR—Mr. President, in my opinion the City Council or the Mayor of Boston has no

right to place upon the ballot any such question. We have no such power under our charter. That power lies in the State Legislature, and every referendum that we have had on our ballot, as far as the City of Boston is concerned, came from the State Legislature. This is a useless and idle gesture. In my opinion it is only done for the purpose of delay. I certainly believe that as long as we are going to have these public hearings in these various communities throughout the city that that ought to be sufficient, because we have no right to order a plebiscite, and in my opinion we will get nowhere with it.

President MURRAY—It is only a request of the Mayor, councilor.

The question came on the passage of the order. The Chair was in doubt and the roll was called and the order passed, yeas 15, nays 3:

Yeas—Coun. Carey, Chase, Englert, Fish, Fitzgerald, Galvin, Hutchinson, Irwin, Kelly, Langan, Lyons, Murray, Rosenberg, Shattuck, Wilson—15.

Nays—Coun. Agnew, McMahon, Taylor—3.

## RESOLUTION INDEFINITELY POSTPONED.

Coun. FITZGERALD called up No. 6 on the calendar, viz.:

6. Resolved, That the Boston City Council in session assembled go on record as favoring Senate Bill No. 5 for the repeal of Plan E and Proportional Representation as embodied therein.

On motion of Coun. FITZGERALD the resolution was indefinitely postponed.

## EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusement, viz.:

Stutz-Ruby Dancing School, Peabody Playhouse, June 7; Kathryn I. Brymer, Y. W. C. A. Auditorium, June 15; Martha Beegelman, Recital Hall, June 4; Stanley E. Brown, Jordan Hall, June 6; Marian Fischer, Music Hall, June 9; James A. Ecker, Majestic Theatre, May 24; Alice M. Astle, Whitton Hall, May 24; Lavinia A. Hogan, Jordan Hall, June 9; Mary E. Ring, Brighthelmstone Hall, June 15; Esther Lyons, Jeremiah Burke Hall, June 12—recommending that leave be granted under usual conditions.

Report accepted; leave granted under usual conditions.

2. Report on order (referred May 22) that bill he drafted to authorize city to conduct monthly lottery, proceeds to be turned over to Public Welfare Department for relief purposes—that same ought not to pass.

The report was accepted and the question came on the passage of the order.

Coun. HUTCHINSON—Mr. President, here was a suggestion which would probably relieve the taxpayers of the City of Boston to the extent of six or seven million dollars a year. It would pay for the entire welfare cost of the city, it would decrease the burden which is on the taxpayers today, which we all want to do; it would eliminate a lot of the illegal number pool rackets; it would stop money flowing to foreign countries and make that money come into the treasury of the City of Boston for the good of the taxpayers. I do not see why some of the members of the Council are against a lottery when it would help the taxpayers, particularly when Harvard College was started by a lottery, and, as I understand it, this building was built by a lottery. It certainly would be a great aid to the city if we could run this lottery to help the taxpayers.

Coun. ROSENBERG—Mr. President, I might state with reference to the lottery, it is not so much a question of how much money it would bring to the city to help the taxpayers, but, as I understand, it is illegal to run a lottery in this country, it is illegal to run a lottery in the State of Massachusetts. I believe the State Legislature has been for years attempting to secure a lottery for the express purpose of alleviating the burden on the taxpayers of our Commonwealth, and that matter has not been able to pass the Legislature. I think by passing this order we would only be making an empty gesture. I therefore feel, although we might run the lottery if it was legal—

ized, still we do not seem to be able to get the State Legislature to allow such action and therefore I want to merely state my point of view on the question.

The order was rejected.

3. Report on order (referred today) asking the Mayor to intervene with Housing Authority to accomplish necessary remedies and to halt all demolition work—that same ought to pass.

Report accepted; said order passed.

4. Report on petition (referred today) that license of Hart Bus Lines, Inc., be reissued in name of Saugus Transit Company—that permit be granted.

Report accepted; said permit granted.

5. Report on order (referred today) that Boston Housing Authority give copies of records and books of account relative to housing activities to City Auditor—that same ought to pass.

Report accepted; said order passed.

#### ONLY RESIDENTS TO SPEAK AT WARD HEARINGS ON HOUSING PROJECTS.

Coun. CHASE offered the following:

Ordered, That the City Council restrict the attendance of all speakers at the ward hearings on Federal Housing to be actual residents of the districts in which the hearings are to take place.

Coun. CHASE—Mr. President, I think that this Council is making a ridiculous showing this afternoon if they approve at these proposed ward hearings of allowing people from Dorchester to come into the Back Bay area and pack the hall where the hearing is to take place and to thus fool the citizenry of Boston at that particular hearing, the people in that section, all because of the overwhelming sentiment of the people from Dorchester. I say, Mr. President, that that is what will happen. I say, Mr. President, that these hearings should be restricted in attendance to only the actual residents of each ward. Mr. President, the City Council has been made ridiculous on occasions, and I predict, Mr. President, that this City Council will go down in the records of the history of Boston as being the most ridiculous body that ever served the city. You are endeavoring to fool the people. You have fooled the people before, and I say that the people in each ward will absolutely overwhelmingly defeat each and every member of this Body who refuses to allow the people of Boston to express their honest opinion. And I say, Mr. President, the only way that expression may be registered is through a plebiscite, through a vote. And, Mr. President, I say—

Coun. IRWIN—Mr. President, a point of information.

President MURRAY—Councilor Irwin rises for a point of information.

Coun. IRWIN—Mr. President, I believe that the laws that govern this Body say that if a member insults a fellow member, he should be made to apologize. I therefore ask that the rule be enforced.

President MURRAY—The Chair will state that it has heard no insult. I will also state that the Chair will rule this order out of order.

Coun. AGNEW—Mr. President, may I answer by saying that the councilor from Ward 4 has his own worries about getting back here for the second time.

President MURRAY—The gentleman is out of order.

#### COUNCILOR WILSON'S ANNOUNCEMENT OF WARD HEARINGS.

Coun. WILSON—Mr. President, as chairman of the Executive Committee, in order that it may be very apparent that we desire always to give service, I would like to make two announcements for the purpose of the record. The chairman of the Executive Committee would be very glad to call the first meeting of the Executive Committee on this question in the local wards in the ward of the councilor who presented the order, namely, the councilor from Charlestown, preferably on either Thursday or Saturday of this week, if he will make arrangements. I might state further that Councilor Kelly of Ward 15 desires the people of his ward to have an early hearing, and if he can make the arrangements the hearing in Ward 15 by the Executive Committee will be held on Thursday evening, June 15. At that time, I would state in advance, the Chair will rule, when the time comes, that since the purpose of these ward hearings is supposedly to ascertain local sentiment in each ward of the city with reference to public housing, at the meeting held in each of the wards of the city the Chair will rule, subject to being overruled by a vote of the Executive Committee, that those persons who will be allowed to address the Chair and speak at any one of those meetings in any ward must be residents or property owners in the ward where the hearing is held.

Coun. GALVIN—Mr. President, I believe that Councilor Wilson, being chairman of the Executive Committee, should designate the attaches of the City Council to make proper and suitable arrangement with the Schoolhouse Department to obtain various halls for those meetings. I further believe, although I am not positive, that when a public building is to be engaged for some sort of a public meeting, it has to be advertised in the newspapers. I am not positive, but I believe I have seen them advertised. I will gladly have the meeting in Charlestown tomorrow night or any night that the chairman sees fit, but I believe that the chairman of the Executive Committee should make the arrangements with the attaches of the City Council who—

President MURRAY—The Chair will state that these are not proper matters for discussion on the floor of the Council meeting and that the arrangements can be made at the Executive Committee meeting.

Coun. WILSON—Mr. President, the chairman of the committee desires to accommodate the councilor from Charlestown. Councilor Kelly thought that Thursday, the 15th, would be a good night, and I simply suggested Thursday, the 8th, in Charlestown, to give Charlestown the first hearing, or Saturday the 10th. That was the only purpose in mentioning dates.

Adjourned at 4.56 p. m., on motion of Coun. IRWIN, to meet on Monday, June 12, 1939.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, June 12, 1939.

Regular meeting of City Council in Faneuil Hall, at 2 p. m., President MURRAY in the chair. Absent, Coun. McMahon and Norton.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Measurers of Leather: William H. Parrott, 63 Blue Hill avenue, Roxbury; George L. Runey, 65 Corona street, Dorchester.

Constables for term of one year, beginning with first day of May, 1939, with authority to serve civil process upon the filing of the necessary bonds: Samuel Goldkrandt, 27 Howland street, Ward 12; Joseph J. Cunningham, 75 Congreve street, Ward 20; David Kaplan, 639 Morton street, Ward 14.

Weigher of Coal: Eugene L. Murphy, 42 Ashland street, Taunton, Mass.

Severally laid over a week under the law.

## SURVEY OF ARBORETUM HEIGHTS SECTION.

The following was received:

City of Boston,  
Office of the Mayor, June 9, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of May 15, 1939, concerning the making of a survey of the Arboretum Heights section of Ward 19 with a view to resurfacing all streets in this section which may require the same.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

City of Boston,  
Public Works Department, June 7, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works make a survey of the Arboretum Heights section of Ward 19 with a view to resurfacing all streets in this section which may require same.

A survey has been made in this locality and the following is the list of public streets therein which are in good condition and in no immediate need of reconstruction:

Arbortree road, Calvin road, Lila road, Malcolm road, Rambler road, Westchester road, Whitcomb avenue.

However, there are two more streets in this section, namely, Elwell road and Winchester terrace, which are in a poor condition. As these two streets are private ways this department has no jurisdiction therein.

The matter of their acceptance comes within the jurisdiction of the Board of Street Commissioners, Room 401, City Hall Annex, Boston.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## CLEANING OF LINCOLN STATUE.

The following was received:

City of Boston,  
Office of the Mayor, June 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Boston Art Commission relative to your order of May 15, 1939, concerning the thorough cleaning of the statue of the Great Emancipator, Abraham Lincoln, in Park square, as a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Art Commission, June 7, 1939.  
To: Office of the Mayor.  
Subject: Cleaning statue of Lincoln in Park Square.

Examination: The statue is in pretty good shape as it is. The polished granite base is in perfect condition. The bronze work is turning a fine green like the Washington statue and this patina should not be destroyed. The cut granite base is somewhat discolored by water streaks from the daily watering of the flower-groups at each corner of the statue, but this is not offensive.

Report: This commission does not recommend cleaning this statue at this time.

ROBERT P. BELOWS, Chairman.

Placed on file.

## DATA ON CITY YARDS.

The following was received:

City of Boston,  
Office of the Mayor, June 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 15, 1939, concerning the number and location of all city yards now in use at the present time.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, June 2, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have a copy of the following order that was passed in the City Council on May 15:

"Ordered, That the Commissioner of Public Works, through his Honor the Mayor, be requested promptly to advise the City Council the number and location of all city yards now in use at the present time."

Following are the locations of all the yards used by the various divisions of this department:

11 Child street, Jamaica Plan, Paving Service, Water and Sewer Divisions.

44 Gibson street, Dorchester, Water, Sewer and Sanitary Divisions.

315 Western avenue, Brighton, Water and Sewer Divisions.

596 Albany street, City Proper, Water Division (High Pressure).

636 Albany street, City Proper, Paving Division.

650 Albany street, City Proper, Sanitary Division.

680 Albany street, City Proper, Sewer Division.

710 Albany street, City Proper, Water Division.

261 Rutherford avenue, Charlestown, Sanitary Division.

312 East Eagle street, East Boston, Paving Service, Sanitary and Sewer Divisions.

282 Highland street, Roxbury, Paving Service and Sanitary Division.

162 Hancock street, Dorchester, Paving Service and Sanitary Division.

101 Southampton street, Roxbury, Paving Service.

160 Chestnut Hill avenue, Brighton, Paving Service.

Rear 372 Columbia road, Dorchester, Paving Service.

8 Dana avenue, Hyde Park, Paving Service.

H and East Second streets, South Boston, Sanitary Division.

Walter street, at Centre street, West Roxbury, Sanitary Division.

22 North Grove street, City Proper, Sanitary Division.

Atkinson street, Roxbury, near Southampton street, Bridge and Ferry Division.

Respectfully yours,

GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### OPENING OF SCHOOL YARDS IN SUMMER.

The following was received:

City of Boston,

Office of the Mayor, June 9, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Secretary of the School Committee of the City of Boston relative to your order of May 22, 1939, concerning the keeping of the school yards in Ward 13 open after school hours and during the summer vacation period, in order that the children of the district may have a safe place in which to play.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

School Committee, June 7, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Sir,—The School Committee in conference on May 31, received the order passed in City Council May 22, 1939, requesting the Committee, through your Honor, to keep the school yards in Ward 13 open after school hours and during the summer vacation period, in order that the children of the district may have a safe place in which to play.

The Committee has asked me to say that from time to time school yards have been opened for unsupervised play, but the results have been far from satisfactory. There have been complaints from people living in the immediate neighborhood and a good deal of damage in the way of breaking glass in the school buildings has resulted.

Last year a number of streets were roped off and set apart for play during specified hours, but here again the results were unsatisfactory. The Committee now is making a further study of the possibilities of unsupervised play activities, but nothing definite can be said at this time.

The Committee would call your attention to the fact that in Ward 13 there are seven playgrounds, namely:

Benedict Fenwick, Cora L. Etheridge, Edward Everett, John L. Motley, John Winthrop (park playground), Phillips Brooks, Richard C. Humphreys.

Within the very definite present financial limitations, the Committee feels that it will not be possible to extend playground activities this year.

Respectfully yours,

ELLEN M. CRONIN,  
Secretary.

Placed on file.

#### BUDGET FOR REMAINDER OF YEAR.

The following was received:

City of Boston,

Office of the Mayor, June 12, 1939.

To the City Council.

Gentlemen,—I submit herewith and recommend for your favorable action the accompanying appropriation order for that portion of the fiscal year not covered by the action already taken by your Honorable Body. This budget is in substitution of the remainder of the original budget recommendations, of which seven twelfths have already been approved by the Council. There is

embodied in this current order for appropriations for city departments practically all of the cuts recommended by your Committee on Appropriations, the elimination of all step-rate provisions for positions carrying compensation ranges of \$2,100 or over, and, in addition, a flat rate reduction of one per cent in the "A-Personal Service" item of all city departments. Recommendations for county departments include all the recommendations of the Committee on Appropriations, certain slack which has accumulated since the first of the year and which could not have been anticipated at that time, and the elimination of step-rate provisions for positions carrying compensation ranges of \$2,100 or over.

After a most painstaking personal review of the budget items and giving the matter careful consideration, these budget reductions represent, in my opinion, the most practical way of coping with the situation and the most efficacious method of obtaining further substantial reductions in the original budget allowances.

It may well be that in budget groups other than "A-Personal Service" there are items in which minor reductions can be effected, but the reductions that I have recommended in the "A" item is so drastic and arbitrary that it will be difficult for some departments to meet it, and for that reason I deem it prudent to leave other budget items unadjusted as a cushion against the non-realization of this "estimated slack." Under such an arrangement discretion and responsibility in the matter of executing economies made necessary by these curtailments is fixed on the various department heads and officials of the city government possessed of immediate detailed knowledge of ways and means of accomplishing this objective. The total of the reductions in the city and county budgets from the original figures submitted is \$276,250.35.

Respectfully yours,

MAURICE J. TOBIN, Mayor.

Ordered, That to meet the current expenses payable during the financial year beginning with the first day of January, 1939, for performing the duties and exercising the powers devolved by statute or ordinance, or by vote of the City Council during the year, upon the City of Boston, or County of Suffolk, or the departments or officers thereof, the respective sums of money specified in the tables and schedules hereinafter set out be, and the same are, hereby appropriated for the several departments and for the objects and purposes hereinafter stated.

Ordered, That the appropriation for Water Service, current expenses, and the payment to the State, under the provisions of chapter 438 of the Acts of 1895 and acts in addition or amendment thereto, and for the interest and debt requirements or for loans issued for water purposes be met by the income of said works and any excess over income from taxes; that the appropriation for Printing Department be met by the department income and any excess over income from taxes; and the appropriation for the *City Record* be met by the income of said publication and any excess over income from taxes; and the appropriation for the Traffic Tunnel be met by the income from tolls and any excess over income from taxes, in accordance with the provisions of section 11, chapter 297, of the Acts of 1929, as amended by chapter 74 of the Acts of 1935; that the other appropriations hereinafter specified be met out of the money remaining in the treasury at the close of business on December 31, 1938, exclusive of the money raised by loan or needed to carry out the requirements of any statute, gift, trust or special appropriation, by the income of the financial year beginning January 1, 1939, and by taxes on the polls and estates in the City of Boston, and by the proceeds of any duly authorized loans.

Ordered, That all sums of money which form no part of the income of the city, but



shall be paid for services rendered or work done by any department or division for any other department or division, or for any person or corporation other than the City of Boston be paid into the general treasury, and that all contributions made to any appropriation be expended for the objects and purposes directed by the several contributors thereof.

Ordered, That all taxes raised to meet the appropriations of the city and all taxes assessed for meeting the city's proportion of the State tax for the year 1939, or for any other taxes or assessments payable to the Commonwealth shall be payable in two equal installments, on July first and on October first of 1939; that interest shall be charged on all taxes remaining unpaid after the first day of November, 1939, in accordance with the provisions of chapter 59, section 57, of the General Laws, as amended, until paid, except the taxes assessed upon shares of national banks, which shall bear interest at the rate of 12 per cent per annum from the first day of October, 1939, until paid, and that all interest which shall have become due on taxes shall be added to and be part of such taxes.

Ordered, That except as the appropriation for any purpose or item shall be increased by additional appropriations or transfers lawfully made, no money shall be expended by any department for any of the purposes or items designated in the tables and schedules hereinafter set out in excess of the amount set down as appropriated for such specific purpose or item.

CITY DEPARTMENTS.

Art.	
A. Personal Service.....	\$162 65
D. Supplies.....	4 15
Total.....	<u>\$166 80</u>

Assessing.	
A. Personal Service.....	\$114,946 49
B. Contractual Services.....	3,037 50
C. Equipment.....	708 67
D. Supplies.....	3,666 50
Total.....	<u>\$122,359 16</u>

Auditing.	
A. Personal Service.....	\$33,382 69
B. Contractual Services.....	1,473 33
C. Equipment.....	20 83
D. Supplies.....	645 83
E. Materials.....	2 08
Total.....	<u>\$35,524 76</u>

Boston Port Authority.	
A. Personal Service.....	\$12,732 29
B. Contractual Services.....	7,400 00
C. Equipment.....	60 42
D. Supplies.....	339 17
E. Materials.....	20 84
G. Incidentals.....	6,250 00
Total.....	<u>\$26,802 72</u>

Boston Retirement Board.	
A. Personal Service.....	\$10,049 27
B. Contractual Services.....	30 50
C. Equipment.....	14 79
D. Supplies.....	292 87
Total.....	<u>\$10,387 43</u>

Boston Traffic Commission.	
A. Personal Service.....	\$42,357 84
B. Contractual Services.....	9,399 59
C. Equipment.....	2,245 83
D. Supplies.....	2,260 42
E. Materials.....	2,531 25
F. Special Items.....	583 59
Total.....	<u>\$59,378 52</u>

Budget.	
A. Personal Service.....	\$5,368 00
B. Contractual Services.....	112 50
D. Supplies.....	166 67
Total.....	<u>\$5,647 17</u>

Building.	
A. Personal Service.....	\$69,584 08
B. Contractual Services.....	3,627 09
C. Equipment.....	550 00
D. Supplies.....	737 50
E. Materials.....	4 15
F. Special Items.....	562 50
Total.....	<u>\$74,742 74</u>

Board of Appeal.	
A. Personal Service.....	\$4,758 00
B. Contractual Services.....	261 25
D. Supplies.....	63 50
Total.....	<u>\$5,082 75</u>

Board of Examiners.	
A. Personal Service.....	\$1,748 67
B. Contractual Services.....	4 59
D. Supplies.....	52 09
Total.....	<u>\$1,805 35</u>

City Clerk.	
A. Personal Service.....	\$17,594 05
B. Contractual Services.....	314 58
C. Equipment.....	83 33
D. Supplies.....	510 42
Total.....	<u>\$18,502 38</u>

City Council.	
A. Personal Service.....	\$29,971 33
B. Contractual Services.....	3,158 33
C. Equipment.....	233 33
D. Supplies.....	1,760 42
Total.....	<u>\$35,123 41</u>

City Council Proceedings.	
B. Contractual Services.....	\$4,479 17

City Documents.	
B. Contractual Services.....	\$7,500 00

City Planning Board.	
A. Personal Service.....	\$4,740 33
B. Contractual Services.....	204 17
C. Equipment.....	116 67
D. Supplies.....	85 42
Total.....	<u>\$5,146 59</u>

Collecting.	
A. Personal Service.....	\$45,854 17
B. Contractual Services.....	13,693 75
C. Equipment.....	247 17
D. Supplies.....	9,516 67
F. Special Items.....	416 67
Total.....	<u>\$69,728 43</u>

Election.	
A. Personal Service.....	\$54,678 08
B. Contractual Services.....	18,362 50
C. Equipment.....	202 08
D. Supplies.....	3,589 58
E. Materials.....	187 50
Total.....	<u>\$77,019 74</u>

Fire.	
A. Personal Service.....	\$1,386,405 48
B. Contractual Services.....	27,819 98
C. Equipment.....	20,333 34
D. Supplies.....	32,760 42
E. Materials.....	9,166 67
F. Special Items.....	176,077 08
Total.....	<u>\$1,652,562 97</u>

Wire Division.

A. Personal Service.....	\$33,246 73
B. Contractual Services.....	1,170 58
D. Supplies.....	500 00
E. Materials.....	4 17
Total.....	<u>\$34,921 00</u>

Health.

A. Personal Service.....	\$279,768 56
B. Contractual Services.....	73,699 58
C. Equipment.....	2,031 25
D. Supplies.....	10,854 17
E. Materials.....	178 75
F. Special Items.....	2,458 34
Total.....	<u>\$368,990 65</u>

Hospital.

A. Personal Service.....	\$896,829 74
B. Contractual Services.....	43,958 34
C. Equipment.....	48,458 34
D. Supplies.....	363,208 34
E. Materials.....	8,000 00
F. Special Items.....	7,583 34
Total.....	<u>\$1,368,038 10</u>

Sanatorium Division.

A. Personal Service.....	\$149,133 65
B. Contractual Services.....	9,416 67
C. Equipment.....	4,455 21
D. Supplies.....	87,291 67
E. Materials.....	1,145 83
F. Special Items.....	1,125 00
Total.....	<u>\$252,568 03</u>

Institutions, Central Office.

A. Personal Service.....	\$16,657 63
B. Contractual Services.....	900 00
C. Equipment.....	10 62
D. Supplies.....	447 92
E. Materials.....	4 17
Total.....	<u>\$18,020 34</u>

Child Welfare Division.

A. Personal Service.....	\$17,479 46
B. Contractual Services.....	106,447 08
C. Equipment.....	19,437 92
D. Supplies.....	2,054 17
E. Materials.....	62 50
Total.....	<u>\$145,481 13</u>

Long Island Hospital.

A. Personal Service.....	\$147,754 31
B. Contractual Services.....	6,840 00
C. Equipment.....	13,864 58
D. Supplies.....	127,752 08
E. Materials.....	9,979 17
F. Special Items.....	1,046 62
Total.....	<u>\$307,236 76</u>

Steamers "Hibbard" and "O'Meara."

A. Personal Service.....	\$16,600 42
B. Contractual Services.....	2,195 82
C. Equipment.....	91 67
D. Supplies.....	2,927 09
E. Materials.....	350 00
Total.....	<u>\$22,165 00</u>

Law.

A. Personal Service.....	\$62,792 76
B. Contractual Services.....	1,808 34
C. Equipment.....	250 00
D. Supplies.....	1,104 17
Total.....	<u>\$65,955 27</u>

Library.

A. Personal Service.....	\$426,126 78
B. Contractual Services.....	38,918 34
C. Equipment.....	25,541 67
D. Supplies.....	8,830 00
E. Materials.....	8,166 67
F. Special Items.....	695 65
Total.....	<u>\$508,279 11</u>

Licensing Board.

A. Personal Service.....	\$17,786 92
B. Contractual Services.....	2,553 34
C. Equipment.....	398 12
D. Supplies.....	754 17
E. Materials.....	6 25
Total.....	<u>\$21,498 80</u>

Market.

A. Personal Service.....	\$5,459 80
B. Contractual Services.....	520 83
C. Equipment.....	6 25
D. Supplies.....	275 00
E. Materials.....	14 58
Total.....	<u>\$6,276 46</u>

Mayor, Office Expenses.

A. Personal Service.....	\$23,790 00
B. Contractual Services.....	1,479 17
C. Equipment.....	93 75
D. Supplies.....	1,355 42
G. Incidentals.....	4,166 67
Total.....	<u>\$30,885 01</u>

Park.

A. Personal Service.....	\$322,420 26
B. Contractual Services.....	18,750 00
C. Equipment.....	3,766 87
D. Supplies.....	35,875 00
E. Materials.....	13,666 67
F. Special Items.....	3,125 00
Total.....	<u>\$397,603 80</u>

Cemetery Division.

A. Personal Service.....	\$16,280 28
B. Contractual Services.....	1,253 75
C. Equipment.....	543 96
D. Supplies.....	1,556 25
E. Materials.....	468 75
F. Special Items.....	20 83
Total.....	<u>\$20,123 82</u>

Police.

A. Personal Service.....	\$2,054,303 06
B. Contractual Services.....	91,057 60
C. Equipment.....	31,135 00
D. Supplies.....	62,687 50
E. Materials.....	12,083 34
F. Special Items.....	140,833 34
Total.....	<u>\$2,392,099 84</u>

Public Buildings.

A. Personal Service.....	\$111,253 59
B. Contractual Services.....	41,004 59
C. Equipment.....	2,150 00
D. Supplies.....	16,976 30
E. Materials.....	750 00
F. Special Items.....	7,614 45
Total.....	<u>\$179,748 93</u>

Public Welfare, Central Office.

A. Personal Service.....	\$275,090 51
B. Contractual Services.....	22,096 61
C. Equipment.....	3,565 62
D. Supplies.....	26,812 50
E. Materials.....	120 83
Total.....	<u>\$327,686 07</u>

Temporary Home.

A. Personal Service.....	\$2,440 00
B. Contractual Services.....	364 59
C. Equipment.....	87 50
D. Supplies.....	1,339 58
E. Materials.....	20 84
Total.....	<u>\$4,252 51</u>

Wayfarers' Lodge.

A. Personal Service.....	\$1,667 33
B. Contractual Services.....	1,558 33
C. Equipment.....	354 17
D. Supplies.....	2,233 33
E. Materials.....	27 03
Total.....	<u>\$5,840 19</u>

Public Works, Central Office.

A. Personal Service.....	\$13,309 97
B. Contractual Services.....	109 17
C. Equipment.....	37 50
D. Supplies.....	272 92
Total.....	<u>\$13,729 56</u>

Bridge Service.

A. Personal Service.....	\$155,723 24
B. Contractual Services.....	8,191 67
C. Equipment.....	267 30
D. Supplies.....	1,972 92
E. Materials.....	6,166 67
F. Special Items.....	437 50
Total.....	<u>\$172,759 30</u>

Ferry Service.

A. Personal Service.....	\$64,795 02
B. Contractual Services.....	12,547 09
C. Equipment.....	270 84
D. Supplies.....	11,406 25
E. Materials.....	1,145 84
F. Special Items.....	3,083 34
Total.....	<u>\$93,248 38</u>

Lighting Service.

A. Personal Service.....	\$3,172 00
B. Contractual Services.....	390,253 34
C. Equipment.....	343 75
D. Supplies.....	72 92
Total.....	<u>\$393,842 01</u>

Paving Service.

A. Personal Service.....	\$81,366 61
B. Contractual Services.....	11,008 75
C. Equipment.....	4,943 75
D. Supplies.....	10,485 42
E. Materials.....	14,197 92
F. Special Items.....	5,364 59
Total.....	<u>\$127,367 04</u>

Sanitary Service.

A. Personal Service.....	\$514,380 67
B. Contractual Services.....	286,831 25
C. Equipment.....	12,585 84
D. Supplies.....	23,674 58
E. Materials.....	9,639 58
F. Special Items.....	3,391 67
Total.....	<u>\$850,503 59</u>

Sewer Service.

A. Personal Service.....	\$148,052 21
B. Contractual Services.....	28,708 34
C. Equipment.....	1,996 04
D. Supplies.....	12,285 42
E. Materials.....	3,854 17
F. Special Items.....	1,964 80
Total.....	<u>\$196,860 98</u>

Registry.

A. Personal Service.....	\$20,403 22
B. Contractual Services.....	1,665 00
C. Equipment.....	6 25
D. Supplies.....	1,100 00
Total.....	<u>\$23,174 47</u>

Sinking Funds.

A. Personal Service.....	\$976 00
B. Contractual Services.....	10 42
D. Supplies.....	125 00
Total.....	<u>\$1,111 42</u>

Soldiers' Relief.

A. Personal Service.....	\$1,989 83
B. Contractual Services.....	964 58
C. Equipment.....	59 79
D. Supplies.....	751 92
Total.....	<u>\$3,766 12</u>

Statistics.

A. Personal Service.....	\$3,416 00
B. Contractual Services.....	20 52
C. Equipment.....	31 25
D. Supplies.....	33 33
Total.....	<u>\$3,501 10</u>

Street Laying-Out.

A. Personal Service.....	\$64,696 15
B. Contractual Services.....	595 84
C. Equipment.....	62 50
D. Supplies.....	697 92
F. Special Items.....	437 50
Total.....	<u>\$66,489 91</u>

Supply.

A. Personal Service.....	\$18,837 77
B. Contractual Services.....	3,920 84
C. Equipment.....	12 71
D. Supplies.....	1,295 83
Total.....	<u>\$24,067 15</u>

Treasury.

A. Personal Service.....	\$22,818 63
B. Contractual Services.....	5,295 47
C. Equipment.....	41 67
D. Supplies.....	2,114 59
Total.....	<u>\$30,270 36</u>

Weights and Measures.

A. Personal Service.....	\$17,221 61
B. Contractual Services.....	250 21
C. Equipment.....	212 50
D. Supplies.....	504 17
E. Materials.....	10 42
Total.....	<u>\$18,198 91</u>

SPECIAL APPROPRIATIONS.

Bridges, Repairs, etc.....	\$167 00
Contingent Fund (for the payment of claims, executions of court, court fees, expert witnesses, legal and miscellaneous expenses).....	\$123,125 00
Conventions and Entertainment of Distinguished Guests.....	\$10,177 09
Public Celebrations.....	\$16,416 67
Real Estate Division, Repairs, etc.,	\$8,333 34
Reserve Fund (for Transfers).....	\$52,084 00

COUNTY DEPARTMENTS.

Suffolk County Courthouse, Custodian.

A. Personal Service.....	\$99,859 54
B. Contractual Services.....	20,045 28
C. Equipment.....	7,380 09
D. Supplies.....	10,312 50
E. Materials.....	41 70
F. Special Items.....	628 40
Total.....	<u>\$138,267 51</u>

County Buildings.

A. Personal Service.....	\$27,017 34
B. Contractual Services.....	4,468 75
C. Equipment.....	908 40
D. Supplies.....	1,544 20
E. Materials.....	56 25
Total.....	<u>\$33,994 94</u>

Jail.

A. Personal Service.....	\$66,371 73
B. Contractual Services.....	4,987 09
C. Equipment.....	1,939 59
D. Supplies.....	23,010 42
E. Materials.....	2,375 00
F. Special Items.....	1,853 13
Total.....	<u>\$100,536 96</u>

Supreme Judicial Court.

A. Personal Service.....	\$20,577 31
B. Contractual Services.....	2,732 92
C. Equipment.....	27 09
D. Supplies.....	377 09
F. Special Items.....	541 70
Total.....	<u>\$24,256 11</u>

Superior Court, Civil Session, General Expenses.

A. Personal Service.....	\$90,211 24
B. Contractual Services.....	80,284 00
C. Equipment.....	635 42
D. Supplies.....	1,343 75
F. Special Items.....	562 50
Total.....	<u>\$173,036 91</u>

Superior Court, Civil Session, Clerk's Office.

A. Personal Service.....	\$67,165 58
B. Contractual Services.....	2,650 00
C. Equipment.....	291 67
D. Supplies.....	2,708 33
F. Special Items.....	774 00
Total.....	<u>\$73,589 58</u>

Superior Court, Criminal Session.

A. Personal Service.....	\$115,183 93
B. Contractual Services.....	79,153 75
C. Equipment.....	604 17
D. Supplies.....	5,000 00
F. Special Items.....	2,121 67
Total.....	<u>\$202,063 52</u>

Probate Court.

A. Personal Service.....	\$5,477 31
B. Contractual Services.....	3,104 17
C. Equipment.....	208 67
D. Supplies.....	3,091 67
Total.....	<u>\$11,881 82</u>

Municipal Court, City of Boston.

A. Personal Service.....	\$188,932 46
B. Contractual Services.....	3,960 84
C. Equipment.....	1,231 25
D. Supplies.....	5,514 59
F. Special Items.....	6,833 40
Total.....	<u>\$206,472 54</u>

Municipal Court, Charlestown District.

A. Personal Service.....	\$11,915 22
B. Contractual Services.....	735 42
C. Equipment.....	62 50
D. Supplies.....	365 42
F. Special Items.....	604 20
Total.....	<u>\$13,682 76</u>

East Boston District Court.

A. Personal Service.....	\$11,194 32
B. Contractual Services.....	1,029 17
C. Equipment.....	54 17
D. Supplies.....	573 70
Total.....	<u>\$12,851 36</u>

Municipal Court, South Boston District.

A. Personal Service.....	\$12,020 60
B. Contractual Services.....	939 27
C. Equipment.....	35 00
D. Supplies.....	302 09
F. Special Items.....	937 50
Total.....	<u>\$14,234 46</u>

Municipal Court, Dorchester District.

A. Personal Service.....	\$17,416 32
B. Contractual Services.....	827 50
C. Equipment.....	31 25
D. Supplies.....	333 33
Total.....	<u>\$18,608 40</u>

Municipal Court, Roxbury District.

A. Personal Service.....	\$41,814 96
B. Contractual Services.....	2,222 29
C. Equipment.....	139 58
D. Supplies.....	955 84
F. Special Items.....	2,583 33
Total.....	<u>\$47,716 00</u>

Municipal Court, West Roxbury District.

A. Personal Service.....	\$15,044 08
B. Contractual Services.....	1,082 80
C. Equipment.....	56 25
D. Supplies.....	491 67
F. Special Items.....	2,083 33
Total.....	<u>\$18,758 13</u>

Municipal Court, Brighton District.

A. Personal Service.....	\$8,080 03
B. Contractual Services.....	647 60
C. Equipment.....	31 25
D. Supplies.....	375 00
Total.....	<u>\$9,133 88</u>

Boston Juvenile Court.

A. Personal Service.....	\$11,102 10
B. Contractual Services.....	965 21
C. Equipment.....	62 50
D. Supplies.....	229 17
Total.....	<u>\$12,358 98</u>

District Court of Chelsea.

A. Personal Service.....	\$15,105 67
B. Contractual Services.....	1,136 08
C. Equipment.....	62 50
D. Supplies.....	560 42
E. Materials.....	6 25
Total.....	<u>\$16,870 92</u>

Registry of Deeds.

A. Personal Service.....	\$75,451 00
B. Contractual Services.....	666 67
C. Equipment.....	72 92
D. Supplies.....	1,587 50
Total.....	<u>\$77,778 09</u>

Index Commissioners.

A. Personal Service.....	\$10,299 61
B. Contractual Services.....	88 33
D. Supplies.....	145 83
Total.....	<u>\$10,533 77</u>

Insanity Cases.

B. Contractual Services.....	\$16,279 20
D. Supplies.....	20 90
Total.....	<u>\$16,300 10</u>

Medical Examiner Service, Northern Division.

A. Personal Service.....	\$9,215 27
B. Contractual Services.....	933 40
C. Equipment.....	120 90
D. Supplies.....	222 92
E. Materials.....	16 70
Total.....	<u>\$10,509 19</u>

Medical Examiner Service, Southern Division.

A. Personal Service.....	\$5,240 15
B. Contractual Services.....	1,195 90
C. Equipment.....	27 09
D. Supplies.....	333 40
Total.....	<u>\$6,796 54</u>

Associate Medical Examiner Service, Northern Division.

A. Personal Service.....	\$583 40
B. Contractual Services.....	239 59
D. Supplies.....	27 09
Total.....	<u>\$850 08</u>

Associate Medical Examiner Service, Southern Division.	
A. Personal Service.....	\$541 67
B. Contractual Services.....	231 25
D. Supplies.....	17 00
Total.....	<u>\$789 92</u>
Miscellaneous Expenses, Auditing.	
A. Personal Service.....	\$5,974 64
B. Contractual Services.....	83 33
D. Supplies.....	125 00
Total.....	<u>\$6,182 97</u>
Miscellaneous Expenses, Budget.	
A. Personal Service.....	\$1,675 26
B. Contractual Services.....	62 50
C. Equipment.....	72 92
D. Supplies.....	166 67
Total.....	<u>\$1,977 35</u>
Miscellaneous Expenses, Collecting.	
A. Personal Service.....	\$325 33
Miscellaneous Expenses, Sheriff.	
A. Personal Service.....	\$1,666 67
B. Contractual Services.....	281 25
Total.....	<u>\$1,947 92</u>
Miscellaneous Expenses, Treasury.	
A. Personal Service.....	\$2,395 27
D. Supplies.....	18 33
Total.....	<u>\$2,413 60</u>
Granite Avenue Bridge.	
A. Personal Service.....	\$1,096 67
B. Contractual Services.....	68 75
C. Equipment.....	2 09
D. Supplies.....	10 42
E. Materials.....	37 50
Total.....	<u>\$1,215 43</u>
Penal Institutions, Office Expenses.	
A. Personal Service.....	\$13,567 35
B. Contractual Services.....	53 73
C. Equipment.....	11 66
D. Supplies.....	258 34
Total.....	<u>\$13,891 08</u>
House of Correction.	
A. Personal Service.....	\$88,278 99
B. Contractual Services.....	7,541 67
C. Equipment.....	11,260 42
D. Supplies.....	54,958 20
E. Materials.....	4,750 00
F. Special Items.....	2,877 09
Total.....	<u>\$169,666 37</u>
Steamer "Michael J. Perkins."	
A. Personal Service.....	\$14,137 85
B. Contractual Services.....	3,337 50
C. Equipment.....	93 75
D. Supplies.....	3,313 50
E. Materials.....	270 84
Total.....	<u>\$21,153 44</u>
SPECIAL APPROPRIATIONS.	
Social Law Library.....	<u>\$1,000 00</u>
Supplementary Maintenance of Young's Hotel.....	<u>\$3,333 34</u>
REVENUE DEPARTMENTS.	
Printing.	
A. Personal Service.....	\$95,549 29
B. Contractual Services.....	15,505 00
C. Equipment.....	308 54
D. Supplies.....	2,075 00
E. Materials.....	25,145 90
F. Special Items.....	511 25
Total.....	<u>\$139,094 98</u>

Departmental Stationery and Postage.	
Special Appropriation.....	<u>\$43,417 00</u>
City Record, Publication of.	
A. Personal Service.....	\$3,009 40
B. Contractual Services.....	11,822 92
C. Equipment.....	6 46
D. Supplies.....	83 34
Total.....	<u>\$14,922 12</u>
Public Works Department, Water Service.	
A. Personal Service.....	\$320,879 42
B. Contractual Services.....	39,254 20
C. Equipment.....	16,170 00
D. Supplies.....	7,441 70
E. Materials.....	47,164 59
F. Special Items.....	5,386 25
H. Relief Projects.....	25,000 00
Total.....	<u>\$461,296 16</u>
Traffic Tunnel.	
A. Personal Service.....	\$64,394 05
B. Contractual Services.....	21,096 50
C. Equipment.....	1,450 21
D. Supplies.....	1,485 42
E. Materials.....	2,791 67
F. Special Items.....	83 34
H. Relief Projects.....	833 34
Total.....	<u>\$92,134 53</u>
Collecting, Water Division.	
A. Personal Service.....	\$31,923 19
B. Contractual Services.....	6,768 00
C. Equipment.....	226 42
D. Supplies.....	5,427 46
F. Special Items.....	375 00
Total.....	<u>\$44,720 07</u>
Auditing, Water Division.	
A. Personal Service.....	<u>\$46 09</u>
RECAPITULATION.	
City Departments.....	\$10,948,678 17
County Departments.....	1,474,979 30
Total.....	<u>\$12,423,657 47</u>
Revenue Departments.....	795,630 95
Grand Total.....	<u>\$13,219,288 42</u>
Referred to Executive Committee.	
LOAN FOR OVERLAY DEFICITS.	
The following was received:	
City of Boston,	
Office of the Mayor, June 12, 1939.	
To the City Council.	
Gentlemen,—I am in receipt of the attached recommendation from the City Auditor. In view of the fact only a small balance remains in the reserve account established to meet overlay deficits and there still remains on the books of the city a sizable amount of taxes assessed in the years 1929 to 1937, inclusive, which later may prove uncollectable, I am in agreement with the auditor's recommendation that a loan of \$1,000,000 be issued to permit the further elimination from the books of the city of doubtful and questionable assets. I submit herewith a loan order for this purpose and respectfully recommend its adoption by your Honorable Body.	
Respectfully,	
MAURICE J. TOBIN, Mayor.	
City of Boston,	
Auditing Department, June 9, 1939.	
Hon. Maurice J. Tobin,	
Mayor of Boston.	
Dear Sir,—Under the provisions of section 1 of chapter 235 of the Acts of 1938, the city was authorized to borrow not in excess of \$9,000,000 for the funding of overlay deficits resulting from the granting of abatements by the assessors in amounts in excess of that	

provided for this purpose in the tax levies for the years 1929 to 1937 inclusive. Last year, \$7,000,000 was actually borrowed for this purpose. At the present time, roughly, ninety-five per cent (95 per cent) of this amount has been utilized for the purposes authorized and only a small balance remains unused. Since further substantial overlay deficits may be anticipated, I feel it is desirable that authority should be secured to issue an additional \$1,000,000. I recommend therefore that an order be sent to the City Council authorizing an appropriation in this amount.

Respectfully,  
CHARLES J. FOX, City Auditor.

Ordered, That under the provisions of section 1 of chapter 235 of the Acts of 1933, the sum of \$1,000,000 be, and the same hereby is, appropriated, to be used for the funding of overlay deficits and other items, and that the City Treasurer be authorized to issue, from time to time, upon request of the Mayor, bonds or certificates of indebtedness of the city to said amount.

Referred to Executive Committee.

**APPROPRIATION FOR SNOW REMOVAL.**

The following was received:

City of Boston,  
Office of the Mayor, June 12, 1939.  
To the City Council.

Gentlemen,—I am advised by the City Auditor that expenditures for snow removal to date total four hundred and twenty-two thousand, nine hundred and ninety-seven dollars and seventy-one cents (\$422,997.71) and that appropriations voted by the City Council total four hundred thousand dollars (\$400,000), leaving a deficit of, roughly, twenty-three thousand dollars (\$23,000) in the snow removal account as it stands on the books of the Auditing Department. In order to remove this deficit, I recommend that twenty-five thousand dollars (\$25,000) of the balance remaining unappropriated in the Highway Fund Distribution received from the state in nineteen hundred and thirty-eight be appropriated for snow removal. I submit herewith an appropriation order for this purpose and respectfully recommend its adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That, as authorized by the provisions of chapter two of the Acts of nineteen hundred and thirty-nine, from the sum of one million, one hundred ninety-four thousand three hundred (1,194,300) dollars, being the unexpended balance of funds distributed to the City of Boston under the provisions of chapter five hundred of the Acts of nineteen hundred and thirty-eight, the sum of twenty-five thousand dollars (\$25,000) be, and hereby is, appropriated, for construction, reconstruction, maintenance and repair of roads, streets and highways other than state highways, surface drainage, sidewalks, curbs and bridges, whether such work be ordinary or otherwise, said sum to be expended, under the direction of the Commissioner of Public Works, as follows:

Snow Removal.....\$25,000 00

Referred to Executive Committee.

**TRANSFER FROM PARKMAN FUND.**

The following was received:

City of Boston,  
Office of the Mayor, June 12, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Board of Park Commissioners requesting the transfer of the sum of \$35,000 from the income of the George F.

Parkman Fund to the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887.

I submit herewith an appropriation order and respectfully recommend its immediate passage by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, June 8, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—By vote of the Board of Park Commissioners you are respectfully asked to request the City Council to transfer from the income of the George F. Parkman Fund the sum of \$35,000, which is now available, to be expended, under the direction of the Board of Park Commissioners, as follows:

Common and Parks in Existence on  
January 12, 1887, Maintenance  
and Improvement of.....\$35,000 00

When making up the budget estimates for the year 1939, a sum equal to the total yearly income of the George F. Parkman Fund was deducted from Item A-1, Permanent Employees, with the understanding that this deduction was to be replaced by the total yearly income of said Parkman Fund for 1939, to be transferred as it accrued from time to time during the year to the regular maintenance appropriation of the Park Department.

Respectfully yours,  
WILLIAM P. LONG, Chairman.

Ordered, That the sum of \$35,000 be, and hereby is, appropriated, from the income of the George F. Parkman Fund, to be expended under the direction of the Park Commissioners, for the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887, as follows:

Common and Parks in Existence on  
January 12, 1887, Maintenance  
and Improvement of.....\$35,000 00

Referred to Executive Committee.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, viz.:

Clayton's, Inc., for compensation for damage to property on Winter street, caused by bursting of water main.

Cole Brothers, for refund on fire escape application.

Mrs. M. M. Eastman, for compensation for injuries caused by an alleged defect at Tremont and West streets.

Benjamin F. Folsom, for compensation for damage to property at 52 La Salle street, during construction of street.

David E. Maglio, for compensation for damage to property caused by city car.

Edwin J. McLaughlin, to be reimbursed for judgment issued against him.

Edwin J. McLaughlin, to be reimbursed for judgment issued against him.

Joseph T. O'Halloran, to be reimbursed for judgment issued against him.

Harry Poock, for compensation for injuries caused by being struck by pipe carried by fireman.

William M. Thompson, for compensation for damage to car by city wagon.

Alice M. Devitt, for compensation for injuries caused by an alleged defect in Washington street.

Executive.

Petition of Mary G. McDermott, to be paid annuity on account of death of her husband, John J. McDermott, late member of the Fire Department.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

Mary Campbell, Jordan Hall, June 14.  
Rosalie Mann, Irving Adams Post, June 20.

Mildred C. Sacco, East Boston High School,  
June 19.  
Marie E. Morin, Brighton High School,  
June 12.

Committee on Ordinances.

Petition of Shell Oil Company for driveway opening at 1942 Centre street and Bellevue street.

HEARING ON EASTERN MASSACHUSETTS STREET RAILWAY PETITION.

Notice was received from the Department of Public Utilities of hearing to be given June 14, 1939, at 10.30 a. m., on petition of Eastern Massachusetts Street Railway Company for license for operation of motor vehicles on Neponset River Bridge, Blue Hill avenue, between bridge and Seaver street; Seaver street, between Blue Hill avenue and Columbus avenue; Columbus avenue, between Seaver street and Park square; Stuart street, between Columbus avenue and Broadway; Broadway, between Stuart street and Park square.

Referred to the Executive Committee.

NOTICE OF TRACK LOCATION.

Notice was received from the Board of Street Commissioners of 94th location granted to Boston Elevated Railway Company, single track curve in Beacon street, Brighton, at Cleveland Circle.

Placed on file.

CONSTABLES' BONDS.

The constables' bonds of Aber Uckerman and Walter J. Stewart, having been duly approved by the City Treasurer, were received and approved.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President MURRAY called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointments submitted by the Mayor June 5, 1939, of constables authorized to serve civil process upon filing bonds, viz.: George A. Graham, James McGrath, William J. McCorkle.

2. Action on appointment submitted by the Mayor June 5, 1939, of Julius Stepat, to be a Weigher of Coal.

The question came on confirmation. Committee, Coun. Irwin and Sullivan. Whole number of ballots 12, yes 12, and the appointments were confirmed.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. CHASE, for the Committee on Appropriations, submitted the following:

The Committee on Appropriations, to whom was referred, on March 27, 1939, the message of the Mayor and appropriation orders for the year 1939, having already made a partial report covering seven twelfths of the appropriations, respectfully submit the following, covering the remainder of the necessary appropriations for the year 1939.

For the Committee,  
PERLIE DYAR CHASE, Chairman.

Coun. Chase and Shattuck dissent from the foregoing report.

(Accompanying the report was the appropriation order as recommended by the committee, summarized as follows:)

City departments.....	\$11,154,236 01
County departments.....	1,515,565 27
Total .....	\$12,669 801 28
Revenue departments.....	809,818 67
Total .....	\$13,479,619 95

MINORITY REPORT OF COUNCILOR CHASE AND SHATTUCK.

The undersigned members of the Committee on Appropriations dissent from the report of the majority of the committee and recommend the passage of the accompanying order.

PERLIE DYAR CHASE.  
HENRY L. SHATTUCK.

(Accompanying the report of the minority was the appropriations as recommended by them, summarized as follows:)

City departments.....	\$10,839,933 63
County departments.....	1,462,481 86
Total .....	\$12,302,415 49
Revenue departments.....	783,574 97
Total .....	\$13,085,990 46

(The reductions recommended in specific appropriations are fully itemized in the following statement by Coun. Chase.)

Coun. CHASE—Mr. President, the members of this Body realize the desperate financial condition of the city. We realize that the taxpayers of Boston rightfully rely on the City Council to do its share to reduce the tax burdens of our people in so far as it can reasonably be done. We have no right to evade that responsibility. It is no answer to say that the amount suggested in cuts may, or may not, be relatively small in amount. Every little bit helps. Because we cannot agree on a cut of a million is no reason why we should not make a cut of even ten dollars, if such a saving may be made. Although there are other cuts which I personally feel might possibly be made, I have purposely kept to figures with which I feel no reasonable man, with the interests of the city at heart, can reasonably fail to agree. The minority report has recommended no cuts in the following budgets: City Hospital, Sanatorium Division, Child Welfare Division, Long Island Hospital, Welfare Department, Wayfarers' Lodge, House of Correction, Temporary Home, Soldiers' Relief, or Suffolk County Jail (except \$500 recommended to be cut from Item B, Contractual Services, for electricity). Thus, no claim can be made that the proposals can be conceivably unjust to the sick, needy or destitute. As a practical matter, I feel that additional savings may well have been effected by the Mayor and money can be obtained even for the entire items for Conventions and for Celebrations, bearing in mind that further savings may well be effected in all departments through more centralized purchasing, and also not forgetting that even with the suggested cut of twenty-five thousand from the proposed Contingent Fund the combined Contingent and Reserve Funds this year will be substantially larger than either in 1938 or 1937, with the figures appropriated. I make these recommendations as one who has attended every minute of every day of some ten weeks of intensive consideration of every budget item. While I make no claim that I cannot be wrong, I believe I have the right to expect that such councilors as may disagree with the recommendations shall be reasonably familiar with the budget details. And I make these suggestions with a serious realization that the taxpayers of the City of Boston have a right to expect that this Council will make every reasonable effort to do its part in fighting against an increase in the present excessive tax rate. We cannot afford to have any part in adding to a burden which will break the backs of

every taxpayer in Boston. It is my opinion that thousands of dollars were needlessly spent for outside repair work on city auto trucks. In view of the large number of automobile mechanics in the regular employ of the city service, I am of the opinion that the city has ample facilities for repairing its own trucks. Therefore, I recommend that the Council consider reducing the B, Contractual Service budget in the Paving Service by five thousand dollars (\$5,000) and B, Contractual Service in the Sanitary Service by ten thousand dollars (\$10,000). Councillor Shattuck and I concur in the opinion that the Hospital, Sanatorium, etc., budgets before mentioned, should be accepted as submitted by the Mayor, and so report it in the minority report. Statistics show that every year between five and six per cent of the total number of employees in the city service leave the pay roll either from death, retirement or resignation. Although his Honor the Mayor has stated that he does not intend to fill any vacancy unless absolutely necessary, the budget allowances for personal service show that less than one per cent has been deducted for vacancies which may occur during the year. With this in mind, Councillor Shattuck and I concur in the opinion that all municipal, county allowances for personal services may be reduced by one and one half per cent and they are reported in the minority report. After careful study of the budget, Councillor Shattuck and I are of the opinion that it is not unreasonable to assume that the county officials and municipal department heads may carry on their particular function without impairing the service by a one per cent less allowance in all their budget items, except F, Pension Items, and those items specifically recommended for reduction, as follows:

#### CUSTODIAN, COURT HOUSE.

A. Personal Service.....	\$1,342 00
B. Contractual Services.....	10,000 00
C. Equipment (electric fans, desk lamps and miscellaneous equipment) .....	8,777 00
D. Supplies (paper drinking cups and miscellaneous toilet and cleaning supplies).....	1,000 00
E. Materials (electric bulbs, etc.)....	4,000 00

#### SUFFOLK COUNTY JAIL.

B. Contractual Services (electricity),	\$500 00
CONTINGENT FUND.....	\$25,000 00
CONVENTIONS .....	\$2,000 00
PUBLIC CELEBRATIONS.....	\$5,000 00

#### BUILDING DEPARTMENT.

C. Equipment (new automobile)....	\$550 00
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#### LICENSING BOARD.

B. Contractual Services (transportation) .....	\$250 00
C. Equipment .....	398 00

#### PUBLIC BUILDINGS DEPARTMENT.

B. Contractual Services (general repairs) .....	\$2,000 00
Special Appropriations (bridge repairs, etc., electrical work on Charlestown Bridge) .....	16,000 00

#### TUNNEL BUDGET.

C. Equipment (traffic signs and equipment) .....	\$500 00
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#### CITY RECORD.

B. Contractual Services (printing),	\$1,000 00
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The savings as suggested in this report will total a sum of \$423,169.21 over the allowances as originally presented by the Mayor. While the budget we have recommended may not meet with the approval of the other members of the Council, we believe that the specific cuts we have submitted are of sufficient value to merit the Mayor's consideration and in many instances

can be put into effect by executive action. Whatever may be the final action of the Council, the fact that his Honor the Mayor has seen fit to recommend today a budget reduced in a considerable degree over his original recommendations is sufficient evidence that the work of the committee has resulted in bringing to the attention of the city officials, savings in department appropriations which otherwise might have escaped attention.

The two reports were referred to the Executive Committee.

#### ELECTRIC FANS IN SUBWAY TRAINS.

Coun. ROSENBERG offered the following:

Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to install electric fans in the subway trains for use during the summer months to provide added comfort for the passengers, in view of the fact that the same service is being rendered to commuters in other large cities of the country where subway service is in operation.

Coun. ROSENBERG—Mr. President, in other large cities of the country where the fare is less than ten cents, such as New York, Chicago and Cleveland, I am informed, the commuters on the trains and subways in those cities receive the comfort during the hot summer days of having electric fans in operation for their convenience. Here in Boston, with the highest fare of any city or town in the country, I believe that the Boston Elevated Trustees owe it to the citizens of Boston and of Greater Boston to give the same amount of service as is given in other cities and towns, and I trust as the result of this order the trustees of the Elevated will deem it advisable to have the fans installed.

The order was passed under suspension of the rule.

#### LUNCHROOM, FRANK V. THOMPSON SCHOOL.

Coun. ROSENBERG offered the following:

Ordered, That the Boston School Committee be requested, through his Honor the Mayor, to make arrangements to provide a proper lunch room for the students of the Frank V. Thompson School who are forced to sit on the steps of the school to eat their lunches.

Passed under suspension of the rule.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition of Edna Long (referred April 24) for driveway opening at 2870 Washington street, Ward 11—that permit be granted.

2. Report on petition of S. Newman (referred May 22) for driveway opening at 141 Cambridge street, Ward 22—that permit be granted.

Reports accepted; permits granted under usual conditions.

#### SATURDAY MORNINGS FOR HOSPITAL CLERICAL WORKERS.

Coun. KERRIGAN offered the following:

Ordered, That the trustees of the Boston City Hospital inform the City Council what action has been taken to give clerical workers at the hospital the same privileges as other city employees in the matter of Saturday mornings off during the summer months.

Passed under suspension of the rule.



### INFORMATION FROM HOUSING AUTHORITY.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to at once advise the City Council in writing:

1. What exact legal procedure the Boston Housing Authority is permitted to follow in efforts made by it to remove, from structures located in the various areas recently taken by eminent domain proceedings, such occupants as have received a written notice to vacate.

2. Whether the continued service of a man as a member both of the Boston Housing Authority and the State Housing Authority at the same time is legal.

3. By what authority, if any, resident owners in dwellings taken by the Boston Housing Authority, under eminent domain proceedings, are prevented from removing kitchen stoves which may or may not be part of the realty.

Coun. WILSON—Mr. President, very briefly, those questions or inquiries of the Corporation Counsel are for the purpose of determining what his opinion is concerning the dual capacity of Mr. John Carroll as a member of both the State and City Housing Authorities. In my opinion, for what it may be worth, that situation is absolutely illegal and may well invalidate some of the action of the Housing Authority, and so I desire the opinion of the Corporation Counsel. I have in mind, also, the inquiry as to the procedure the Housing Authority will follow in actually evicting 6,200-odd persons who have been given the thirty-day notice to move out of four of the housing projects. Very frankly, I was initially under the impression that the usual procedure of a landlord might have to be followed with ejectment proceedings in the district court, but I understand now that it is possible, under the eminent domain act, that that procedure may not be necessary and that other procedure will be followed. In view of the inquiries that we got from desperate residents in the Charlestown area at the hearing last week I believe that the information should be made readily available. The other item perhaps is less important, except to the unfortunates who are hit by the ruling. As I understand, agents of the Boston Housing Authority are actively present on the streets of Charlestown, and some rule has been laid down to the effect that a resident of one of the houses to be demolished can remove various personal property, including his kitchen stove if he wants it, but none of the 180-odd resident owners in the Charlestown area are being permitted to remove even the kitchen stove from apartments which are to be totally demolished, preparatory to the housing project. I would be interested to know on what theory, either of fairness or law, that procedure is being followed.

The order was passed under suspension of the rule.

### CESSATION OF EMINENT DOMAIN PROCEEDINGS UNTIL PLEBISCITE.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to urge the Boston Housing Authority to proceed no further with eminent domain proceedings incident to housing projects unless and until the voters of the City of Boston have been permitted to express their preference in a plebiscite incident to the City Election of November, 1939.

Coun. WILSON—Mr. President, I can't believe but that that order will meet with the approval of the Council, in view of the fact that a week ago we voted for a plebiscite in the City of Boston on the question of extension of housing. I bear in mind that the referendum on the ballot in four of the wards of the city last November was over two to one against housing, and that at the public hearing here in Faneuil Hall the vote was approximately two to one against housing, even despite the presence of the cheering section from Old Harbor Village, which came here as a result of the fact that there was placed in every

letter slot in Old Harbor Village, in the 1,016 apartments, on the day before the public hearing in Faneuil Hall, a typewritten notice requesting each of the tenants to be present at Faneuil Hall and vote "Yes," in favor of housing. I make that motion having in mind also the votes at the public hearing in Charlestown last week, at which time, in a hall crowded with people, only twenty persons rose and voted in favor of the housing. We are still living in a democracy—at least, in name—and since there is a City Election only five months away, and since the election machinery will be utilized for that purpose and the ballots will be available, it, of course, will be no additional expense to the city. I believe, therefore, that, pending any further taking by eminent domain and the herding of these various families like cattle into some other slum area, no further steps should be taken at least until the people of Boston, who in the last analysis are the persons most interested, shall have a right to state their opinion in the plebiscite which we have voted for next November.

Coun. TAYLOR—Mr. President, I move that the matter be referred to the Executive Committee.

Coun. SHATTUCK—Mr. President, in this morning's *Post* there is a very interesting article on the subject of housing, containing some valuable statistics. I wish to put that in the record and will ask that it be printed as a part of my remarks.

President MURRAY—If there is no objection the matter will be incorporated in the record. The newspaper article is as follows:

[*Boston Post*, Monday, June 12, 1939.]

SHOWS TOO MUCH SPENT ON HOUSING.  
Statistics on Boston Projects Cited by Congressman.

By Robert L. Norton.

The average taxpayer, who does not benefit by low cost housing in Boston, will make a substantial contribution to these projects. He contributes two ways, first to the Federal subsidy of \$212.51 for each family and, second, \$141.83 a year to the local housing authorities.

Cites High Cost.

In a table assembled from the reports of the United States Housing Authority, Congressman White of Ohio shows that total Federal subsidies over sixty years for the Boston projects will cost \$43,440,600. During the same period the total local subsidies will run to \$49,794,240 and the total public funds per family unit during the life of the project will be \$20,854.20.

The Cambridge project will receive \$4,657,800 in Federal subsidies and \$5,272,860 in local subsidies. In effect, this is a rent subsidy which comes out of the public purse.

"While all responsive and responsible citizens surely are willing to support any practical and reasonable program of slum clearance, these results of the present law are manifestly unfair," says Mr. White.

1. The rents are too high for slum dwellers, even after subsidies.

2. The Federal Government is required to contribute \$3,000,000 for every \$1,000,000 of construction.

Barely Scratches Surface.

3. Under present high costs, the program already undertaken barely scratches the surface and indicates that the cost of meeting complete demands would be far beyond the most costly visions of the resources of government.

4. The average citizen who lives in a \$2,282 home obtained at his own expense is compelled under this program to supply \$5,534 homes for others, with additional subsequent costs bringing the total to an average of \$21,417 in the final analysis.

The Congressman's analysis of the housing program is of particular interest because of the controversy over slum clearance which is raging at this time in Boston and in every other city in the country. He shows indisputably, that housing is not to be furnished to the 17 per cent of the families of the country whose incomes are \$800 a year or less.

Poor Do Not Benefit.

On the basis set by the government, which contends that not more than one fifth of the budget of the low income families should be budgeted for rent, these people do not benefit by the present slum clearance. The average family income of the tenants occupying forty-one of the Federal projects is \$1,245 a year, which is considerably above the limit for any true low-cost housing.

Out of the 14,185 families now occupying these projects there are 475 families with incomes up to \$850 a year, 3,160 families with incomes just over \$850, 7,775 families with incomes from \$1,000 to \$1,439, 1,400 families with incomes of \$1,440 to \$1,599, 500 families with incomes of \$1,600 to \$1,799, and 875 families with incomes of \$1,800 to \$2,399.

If, according to the expressed intent of President Roosevelt, all families with incomes of \$780 a year or less are to be provided with Government housing, with combined Federal and local subsidies of \$356.94 per family as at present, it will cost the American public \$1,427,760,000 per year or nearly 86 billions for sixty years. And if these benefits are extended to all families with an income of \$1,450 a year or less, only \$300 more than the limits fixed at present, then the total subsidy would run to over five billions a year or the astronomical total of 300 billions for sixty years.

The order was referred to the Executive Committee.

DATA ASKED OF HOUSING AUTHORITY.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to promptly advise the City Council:

1. Whether the change from the 1,015 dwelling units and 840 families, estimated to be located in the Charlestown housing project area as of December, 1938, to 1,039 dwelling units and 676 families as of May, 1939, is the result of any changes in the location of the area taken or a result of 164 families moving out during the past five months or more.

2. What reasonable objection, if any, there is to permitting resident owners in the housing districts to remove kitchen ranges from houses which are to be totally demolished by the Housing Authority and from which houses occupants have been given a thirty-day notice to vacate.

3. What is the official rank and status of individuals now located in the Charlestown housing area who are acting as watchmen and who are forbidding resident owners to remove such articles as kitchen stoves from buildings which are to be totally demolished.

4. Exactly what legal procedure is contemplated by the Boston Housing Authority relating to occupants in various housing areas now taken by eminent domain proceedings and who have been given a thirty-day notice to vacate.

5. Exactly what steps, if any, are being taken by the Boston Housing Authority to aid occupants in the various housing areas to find homes of equal rental, comfort and sanitation; and if any steps are being taken, then what is the name of the agent in charge of such work, and where is he located.

Passed under suspension of the rule.

COPIES OF LAWS APPLICABLE TO HOUSING AUTHORITY.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to furnish the Clerk of Committees of the City Council copies of any and all Federal and State laws now applicable to the Boston Housing Authority, and especially its authority for eminent domain proceedings and the removal of occupants and their property from areas chosen for housing projects; also a copy of any present agreement now in effect between the Boston Housing Authority and the City of Boston.

Passed under suspension of the rule.

BILL IN EQUITY FOR APPOINTMENT OF ELEVATED RECEIVER.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel be ordered to bring a Bill in Equity, on behalf of the City of Boston as a stockholder of Boston Elevated Railway Company, in the Supreme Judicial Court of Massachusetts for appointment of a receiver of said company, on the grounds of mismanagement, fraud and insolvency; and that said continued insolvency will jeopardize the finances of the City of Boston.

Coun. WILSON—Mr. President, there is nothing startling about that suggestion. The common stockholders will continue to collect the guaranteed 5 per cent dividends just so long as the City of Boston, which pays 66 per cent of the annual deficit of this insolvent street railway company, is content to sit back and be bled white. This year the deficit will add just about \$1.25 per one thousand to the tax bill of every property owner in Boston. I am convinced that one way to end the ridiculous situation which has made Metropolitan Boston the laughing stock of the rest of the country is to make possible a suit by the City of Boston as a stockholder. Those who are sitting closest to the gravy dish will tell you that is a wild idea. The same powerful influences which have induced a sleepy Legislature in past years to sell out the people of Boston for a gold brick will say that the idea is impracticable. We will find out whether it is practical or not. We will see whether the stockholders who have the nerve to ask \$60 a share for stock you could buy in the open market today for \$47.50 will be able to laugh this off. The Boston Elevated Railway Company has been able to bluff the Massachusetts Legislature and bluff the people of Boston for a good many years. Boston has more at stake than any stockholder or any individual. As a stockholder I say the City of Boston can bring this issue to a head. I understand the Legislature actually contemplates putting the entire headache back on the shelf for a couple of years, and yet this year, with an almost insolvent city and with the taxpayers faced with a record tax bill, the Elevated deficit tossed back in our laps is the highest ever. Here is an opportunity to let the people of Boston and the people of Massachusetts know that the Boston City Council is something more than a memory. All I ask you to do is to pass this order. I have every assurance that the Mayor of Boston is big enough and farsighted enough to back up the City Council. I believe he means business. I can't believe he will let any bank or any financial clique stand between him and the taxpayers and car riders of the City of Boston. What I ask can be done. No individual stockholder will do it, but the great City of Boston as a stockholder can do it, with all the power of the city making the fight. For that purpose, Mr. President, I have taken the liberty of asking various members of the Council to sign the following agreement, which has already been signed by the following members of the Council: Councilors Kelly, Fish, Carey, Englert, Kerrigan, Irwin, Galvin, Taylor, Hutchinson, Rosenberg, Wilson, Sullivan, Langan, and Murray. We would welcome additional signatures from other members of the Council who may wish to sign the agreement, which reads: "The undersigned members of the Boston City Council in order to qualify the City of Boston as a stockholder in the Boston Elevated Railway Company for the purpose of instituting a suit for the appointment of a receiver for the said company on the grounds of mismanagement, fraud, and insolvency, agree to share pro rata in the purchase of one share of the common stock of the Boston Elevated Railway Company, to be taken in the name of the City of Boston and donated to the city for that purpose." And to relieve the minds of the various members of the Council, if they need their minds relieved, I may say that there is no

possibility of the stockholders of the company holding up the stock because I had the office of Burr, Gannett & Company this morning make the purchase for me of one share of stock at \$47.50.

Coun. SHATTUCK—Mr. President, I have no interest in the Elevated one way or the other, and never have had, but I did serve in the Legislature for eleven years, before the extension was passed. That was after the first Public Control Bill was voted. I was not yet a member of the Legislature at that time. I ceased to be a member of the Legislature before the extension was voted, so that I have not committed myself in any way on the subject of tying up the city with this contract. I was in favor during my membership the last time—while I was a member the question came up—I was in favor of public ownership of the Elevated. That was my position. I do not believe that we should pass this order in the form stated, for two reasons: In the first place, it charges insolvency of the Elevated. I do not believe the Elevated is insolvent. The Elevated is the landlord of the property; the City of Boston is the tenant. The City of Boston, under a contract, is paying the Elevated a rental, and the Elevated is paying the wages, it is paying for the materials, it owes no bills on which it can be declared insolvent. That is a contract for a term of years, which I do not believe can be abrogated except by the consent of both parties, any more than any other contract can be. That is No. 1. Secondly, this order charges fraud. What evidence have we got of fraud? Are we going to bandy about charges of fraud without any evidence of it, without any hearing, or without the presentation of testimony? I do not believe we ought to do any such thing. I shall vote against the order, and I shall ask for a roll call.

Coun. WILSON—Mr. President, may I state, in answer to some of the suggestions which were made, that from an operating viewpoint, a private corporation in this state which cannot come any nearer to paying its bills than the Boston Elevated Railway Company does, and which tosses back a deficit aggregating millions of dollars each year to the public, in my mind might be characterized as having a deficit and as being insolvent. Now, on a possible technical question of fraud, I bear in mind two items that might suggest themselves. The first is that the books of a semi-public or semi-private corporation still carry as a tangible asset of that road the abandoned Atlantic avenue elevated structure at a figure in excess of two million dollars, when, as a matter of fact, the line has been totally abandoned and thrown to the winds since last autumn. I also bear in mind these two statements made by two reputable firms of accountants,—the statement of Patterson, Teele & Dennis, who examined the accounts annually from 1919 to 1930, inclusive, and wrote to the board of trustees of the company in 1923 and 1924, flatly as follows: "The road and the equipment are shown at book values without adequate provision for depreciation prior to June 30, 1918." And there is the statement in writing by Lybrand, Ross Brothers & Montgomery, certified public accountants, who examined the company's books from 1931 to 1938, inclusive, and who also wrote to the board of trustees of the company identical letters in each of those years, as I understand it, that in their opinion the amount of accrued depreciation appearing in the accompanying balance sheet is inadequate. Of course, technically, if no other way, it is a fraud on the public and on the investors to carry year after year as assets valued at millions of dollars, assets which as a matter of fact are not worth the paper they are written on, assets concerning which the officials of the road and the trustees have been advised by reputable certified public accountants year after year—if you want to put it that way—false to an extent that they should be corrected.

Coun SHATTUCK—Mr. President, the fact that the Elevated has a deficit in its annual

operations does not mean that it is insolvent. If the gentleman will read the Public Control Act he will see that a part of the contract is that the operating deficit shall be paid by the district served, through the Commonwealth in the first place and then distributed by the Commonwealth among the several cities and towns. That is all a part of the contract, and that contract has been made; it is water over the dam.

The order was referred to the Executive Committee.

#### SUBSTITUTE BILL FOR REMOVAL OF ELEVATED STRUCTURE.

Coun. WILSON offered the following:

Resolved, That the Corporation Counsel for the City of Boston, through his Honor the Mayor, be ordered to substitute the bill for the removal of the Atlantic avenue structure in the City of Boston, accompanying this resolve, for House Bill 116 of 1939, heretofore filed by the Corporation Counsel in the General Court, and now pending before House Committee on Ways and Means, and relating to purchase of Atlantic avenue structure; and that the Corporation Counsel be ordered to press allowance of the substituted bill before Joint Rules Committee of the General Court; and to press enactment of the substituted bill before all committees and the Senate and House of Representatives of the General Court.

Coun. WILSON—Mr. President, as I remember it, unofficially we received an oral opinion from the Corporation Counsel, who expressed some doubt as to the power of the trustees of the Elevated to abandon the Atlantic avenue structure. I have that opinion in mind, and I urge that, under the sections of the Acts of 1918, chapter 159, while the directors of the company have certain powers to object to the extension of the road, I am convinced that the courts of this Commonwealth will uphold the opinion that they have not the power to object to an abandonment. And I bear in mind the history of the Boston Elevated Railway Company. In 1918, when the trustees took over the Elevated, there were 425 miles of surface track in operation. Up to December 31, 1938, 170 miles of those surface tracks had been abandoned, and the trustees did not even bother to remove the surface tracks. In 1935 a portion of the Atlantic avenue structure from Washington street through Castle to the Tremont Street Subway was removed, thus destroying the Atlantic avenue structure for loop trains. No bill was filed in the General Court to authorize the trustees to abandon those 170 miles of surface tracks or to remove that portion of the Atlantic avenue structure. All of those abandonments were accomplished by the trustees of the Elevated road under powers conferred by Special Acts of 1918, chapter 159. So I urge that as a reason for the adoption of the order which has just been introduced.

The order was referred to the Executive Committee.

#### ROPING OFF STREETS.

Coun. LYONS and LANGAN offered the following:

Ordered, That the City Messenger be authorized to rope off certain sections of the route of the Annual Ten Mile Road Race of the Holy Name A. A., to be conducted on June 24, 1939, through the streets of Roslindale and Jamaica Plain, the expense of same to be charged to the City Council appropriation for Ropes, Flags and Stakes.

Passed under suspension of the rule.

#### RECESS.

The Council at 3.05 p. m., voted to take a recess subject to the call of the Chair. The members reassembled at 4.45 p. m., and were called to order by President MURRAY.

## EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusement, viz.:

Mary Campbell, Jordan Hall, June 14; Rosalie Mann, Irving Adams Post, June 20; Mildred C. Sacco, East Boston High School, June 19; Marie E. Morin, Brighton High School, June 12—recommending that leave be granted under usual conditions.

Report accepted; leave granted under usual conditions.

2. Report on order (referred today) that Corporation Counsel bring a Bill in Equity on behalf of city as stockholder of Boston Elevated Railway Company for appointment of receiver of said company on grounds of mismanagement, fraud and insolvency—that same ought to pass.

The report was accepted and the question came on the adoption of the order.

Coun. AGNEW asked for a roll call. The order was passed, yeas 10, nays 4:

Yeas—Coun. Carey, Englert, Fish, Hutchinson, Irwin, Kelly, Langran, Murray, Rosenberg, Wilson—10.

Nays—Coun. Agnew, Fitzgerald, Lyons, Shattuck—4.

3. Report on resolve (referred today) substituting bill submitted for removal of Atlantic avenue structure for House Bill 116 of 1939—that same ought to pass.

Report accepted; said order passed.

4. Report on order (referred today) requesting Mayor to urge Housing Authority to proceed no further with eminent domain proceedings until plebiscite of voters is held November, 1939—that same ought not to pass.

The report was accepted and the question came on the passage of the order.

Coun. WILSON—Mr. President, speaking on that order, I can't believe that the members of this Council, on serious thought, really propose to go on record as in opposition to the spirit in which this order is offered. All that it asks is for the Mayor of Boston to urge the Boston Housing Authority not to proceed with any further eminent domain proceedings until the people of Boston shall have had an opportunity, within a few short five months, to express their feelings on the question of public housing. I bear in mind that this semi-private corporation, the Boston Housing Authority, composed of five ordinary mortals, not supermen—a clergyman, to be sure, a hotel man, an architect,—just ordinary mortals and not supermen—has been given the authority, under the housing law, to reach down into the community and say, "This area of so many acres is confiscated and you are ordered to move out within thirty days." During the past month 6,200 persons in Boston have been affected by the order that within thirty days they should move out from the homes they have known and find a home elsewhere if they can. Four of those localities, involving, as estimated, over 6,000 people in this city, have been taken by eminent domain. They can't conceivably build one, let alone all four, of these vast housing projects before next November, and all that we ask in this order is that, irrespective of Old Harbor Village, which is completed, irrespective of the four that have been taken by eminent domain proceedings, they not proceed with the fifth and the sixth and the seventh, at least, during the next five months. What is the matter with the members of the Council?

Coun. AGNEW—Nothing.

Coun. WILSON—The councilor from Ward 21 says "Nothing." Well, the people of the City of Boston may express their thoughts on that subject in other ways not very long from now. Some members of the Council have heard, have been present in public hearings—one in this hall and one in Charlestown—and some of them are beginning to wake up to the fact that it is not a one-way street; that instead of an overwhelming popular sentiment in favor of subsidized, taxfree, low-rent housing as at present offered, the great majority of the people of Boston are still in the frame of mind that they were in when

the people of four wards last November had a plebiscite. They are against housing, or I miss my guess. We are still a democracy. More areas have been taken than can possibly be constructed if every man in Boston goes to work between now and November. All we are asking in this order is that the Mayor urge the Housing Authority not to swoop down on some other area between now and November, until the people shall have a chance to speak. I am amazed that any representative of the people in any ward of the city should vote against the order as it now reads.

Coun. CAREY—Mr. President, I would like to have the members of this body accompany me into the Mission Hill district, where a housing project was originally conceived and an area of land taken not any larger than a fair-sized city block. A short time later, when the Housing Authority evidently thought that this body was going to be heard and sonl in favor of housing, they decided to go a step further, and they then took an area perhaps the size of three ordinary city blocks, and lo and behold, last week what do we find? They are throwing their hands out over there, the hands of a giant, and taking a much larger area. What do we find in my district today as a result of it? A parade of homeless. It would be pitiful to have any member of this body go on record as giving this authority, this unwarranted exercise of power, without looking further; this taking away from them, by the right of eminent domain, their homes at a time when we did not think—or I personally, at any rate, did not think—that our action would be so vicious. We have seen in the newspapers within the last week or two word pictures of the refugees from Germany floundering about in the Atlantic Ocean, with no place to go. But I say to you, Mr. President and members of this body, that those stories and those pictures do not compare in pity with what is going on in my district, and I dare to say in other districts today, in the parade of the homeless. I think the members of this Council might well consider delay and passing favorably the order of Councilor Wilson.

Coun. SHATTUCK—Mr. President, thousands of people are being driven from their homes today to make a place, to make room, for the four projects which are now on the way. They are finding great difficulty in getting new homes equally good and at reasonable rents. There is a wholesale exodus, thousands of people. I do not believe we should increase that number at the present time. I do not believe we should do anything to make it even more difficult by putting more people into the market, forcing more people on the move; and, therefore, I feel that at least a delay is something that will alleviate a very serious situation, because many of the people, as I say, are finding great difficulty in replacing the homes which they have left, getting good homes and at reasonable rents.

Coun. AGNEW—Mr. President, some few months ago, when the original housing order was before us, the Council may well throw their memories back to the discussion and debate that was had on the floor at that time in regard to delaying action in reference to housing. And it may be recalled that after a consideration of the entire subject for a period of about one hour, the majority of the Council came out on the floor and was very anxious at that time to pass the twenty-odd million dollars for housing. A special meeting was held, many motions on this floor were made, and the Council was successful in having a special meeting a few days afterwards. The same plea was made at that time by certain members of the Council, whose names I might call, "Don't rush into the appropriation of money for housing at this particular time without adequate discussion." Eventually it was passed, and the Housing Authority was given this authority to proceed on the housing problem. Now we are asked to use dilatory methods pertaining to housing. In some respects, in most

respects, I am in favor of housing where it is going to help the unfortunate in any way so far as making their living conditions better. I consider the matter more than politically, and I feel it is more than a matter of argument as to the value of housing. I am in favor of housing, in favor of housing where it is going to help the living conditions of the people in the various sections of our city where I think they can be helped—South Boston, Roxbury, Charlestown, East Boston, and other sections—and I don't think we should be asked to obstruct any of the functions of our government which are helping the people. Ireland has accepted housing more than this country has ever accepted it, and it has been proven beyond a doubt that in that country it has helped the people beyond any measure that we could imagine. If the same thing can be effected in this country through our President, I think it is something that we should proceed with, and that we should uphold his hand.

Coun. WILSON—Will the gentleman yield?

Coun. AGNEW—The gentleman does not yield. We have had in Congress from this district and from Boston one of the greatest leading men in public life that this state ever produced. Congressman McCormack has at heart the welfare of the ordinary person. Being one himself, he knows what is good for the people and what is not. And I am ready to follow along in line with him. If in his opinion housing is a good thing for Boston, then I believe the same way. And I am not of the opinion that we should delay any longer in carrying out the ideas of the Federal Government relative to the people of our city who need better living conditions. We are asked to help them. I am going to help them with the belief that eventually they will recognize the fact that they are being helped and not have the feeling that some seem to have today, that they are not getting enough money for their houses, that the government is not treating them right, because the Federal Government in taking their houses, does not have the idea that they should receive all sorts of money out of proportion to the value of their property. Eventually they will all be satisfied, with better places to live.

Coun. CHASE—Mr. President, I have considered this proposition that is before us and I was very much impressed by the testimony of various people who appeared before the Executive Committee relative to the slum clearance to take place in Charlestown, South Boston, Roxbury, and other sections. I was especially impressed by the testimony of a colored lady who raised her voice in Dorchester, contending that her people would be forced into rat-infested sections much worse than the sections which were about to be torn down. I was also very much interested in the testimony of various people in Charlestown on the matter. And I must say, Mr. President, that the methods used by the Boston Housing Authority have been such as would be expected in this country if it were under the domination of some ruler like Hitler or Stalin of Russia. But this is America, Mr. President, and the poor people are being affected by this proposal. I think it is only proper for this Council, which contends that it has such a feeling of humanitarianism, to delay this matter until the poor people are properly housed.

Coun. LANGAN—Mr. President, I was not a member of this body when the order allowing housing to the extent of \$27,000,000 was passed. I have, however, followed the progress of housing as presented in this Council very closely, and I look with distaste upon many of the things that have come about as the result of the exercise of the powers of the Boston Housing Authority. I am entirely in sympathy with those individuals who find themselves temporarily without homes. I find myself entirely in sympathy with those who look with disfavor upon housing in that aspect. On the other hand, the order which was introduced into the Council today directs itself at a balance of

\$8,000,000 with the estimates over and above the present projects, and I must confess frankly that I fail to see any connection between that and the order introduced by Councilor Wilson, which calls for holding up more exercise of the eminent domain right until such time as we have a plebiscite. I wonder what connection there is between a plebiscite and the fact that people are being thrown out of their houses. I say that our remedy is, as a body, to ask the Mayor to see that some remedy is given to those individuals. But this Council has already sanctioned Federal housing up to the extent of \$27,000,000, and I say, having once passed that order, we now have a duty and obligation not to hamper the exercise of those functions which will carry out housing to that extent.

The question came on the passage of the order. The Chair was in doubt and the roll was called. The order passed, yeas 10, nays 7:

Yeas—Coun. Carey, Chase, Englert, Fish, Fitzgerald, Kelly, Lyons, Rosenberg, Shattuck, Wilson—10.

Nays—Coun. Agnew, Harris, Hutchinson, Irwin, Langan, Murray, Taylor—7.

Coun. AGNEW moved to reconsider the foregoing vote. The motion was lost, yeas 8, nays 9:

Yeas—Coun. Agnew, Harris, Hutchinson, Irwin, Langan, Murray, Rosenberg, Taylor—8.

Nays—Coun. Carey, Chase, Englert, Fish, Fitzgerald, Kelly, Lyons, Shattuck, Wilson—9.

5. Report on message of Mayor and order (referred today) appropriating \$35,000 from income of Parkman Fund, to be expended under direction of Park Commissioners—that same ought to pass.

Report accepted; said order passed, yeas 17, nays 0.

6. Report on message of Mayor and order (referred today) that \$1,000,000 be appropriated for funding of overlay deficits and other items—recommending reference to Committee on Finance.

Report accepted, said reference ordered.

7. Report on supplemental budget of Mayor and appropriations (referred today) for balance of year 1939—that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. WILSON—Mr. President, I desire at this time to move to substitute the order introduced by Councilor Chase, which would assure a reduction in the 1939 budget, as I understand it, of \$423,169.21 as against the compromise figure of \$276,250.85. I bear in mind the original message of his Honor the Mayor on March 27, in which he stated: "The allowances in this budget represent, in my opinion, the lowest appropriations possible without seriously crippling the services rendered by the city, and without reducing salaries of city and county employees. . . . In the event that your Honorable Body feels after deliberation that parings in these allowances could be made without jeopardy to the services or the functions of the municipal government, I sincerely hope that you will not hesitate to reduce these estimates." I am one of those who believe that the members of the Committee on Appropriations, who spent many hours and days of effort during the past eight or ten weeks going over this budget item by item, have really accomplished something of which they should justly feel proud in a year when the City of Boston is in such desperate financial condition, and I think that the members of the Committee on Appropriations who did give their time to that labor are primarily entitled to credit for even the compromise figure which today has been suggested by the Mayor, because, as the Mayor quite properly suggested in his message of last March, the Budget Commissioner and the city authorities other than the Council had pulled the figure down to what they felt was an irreducible minimum. Now as the result of the detailed questioning of the department heads—and I am not a member of the Committee on Appropriations so that I am not patting myself on the back, Mr. President—as a result of the hearings and the interviews with the department heads and constant hammering at the Budget Commissioner, it appears that over

the week end—and I honor him for that—the Mayor finally came to the conclusion that apparently better than half of the proposed cuts recommended by the committee, or recommended by the minority of the committee, should even in his opinion be put into effect at this time. The Mayor's message to the Council says the allowance this year for special items, consisting primarily of aid to dependent children, dependent aid and old age assistance, is \$10,304,364.23. Last year the Welfare expenditures ran \$10,685,436—over and above Federal aid of \$2,442,417—of which amount it was necessary to raise \$2,860,500 through loans. The Mayor said with reference to these Welfare items: "It is not intended that your Honorable Body interpret the allowance for Special Items (Welfare assistance) as an estimate of the requirements for relief assistance for the full year. What they will be is highly conjectural." The report of the Welfare Department for the week ending May 5 showed 30,722 active cases as against 28,137 cases during the same week in 1938, or 2,585 cases more for the week, and the expenditures during the week were \$41,718.73 higher than the expenditures for the corresponding week in 1938. It is therefore plainly evident that the budget allowance for Welfare cannot be cut, is inadequate, and that a very substantial amount of additional money must be raised by loan or otherwise to meet this item. And so the Council should not flatter itself that it is doing the job that perhaps some of us felt was being done. Very frankly, Mr. President, on the question of this one per cent cut, or as I believe Councilor Chase has said, a 1½ per cent cut, I think the only cut that can be made in this budget is on this personal item, and the cut can be made without cutting a single salary or firing a single employee. I call your attention to the information furnished by the Budget Commissioner on page 233 of the Council minutes, in response to questions as to personnel. Basing my statement on those figures, there were 396 less city department employees, exclusive of the schools, on January 1, 1939, than there were on January 1, 1938. The number of actual vacancies created by death, retirement, or otherwise during 1938 and not yet filled was 297. Roughly, then, we have the right to assume that ninety-nine vacancies, or about 25 per cent of the thirty-eight vacancies other than the schools, were filled. But we are told the annual salary total for the positions that became vacant and were not filled amounted to \$439,835. Yet the budget personal service items are only \$112,408.25 less in 1939 than was spent for the same city departments in 1938. Or, taking it another way, since there were 396 less employees in January of this year than there were in January, 1938, if we assume only \$15 a week for each of the 396, the saving would amount, or should amount, to over \$300,000, and yet this year's personal service items are only, as originally submitted, \$112,408 less than was spent in 1938. It becomes self-evident, therefore, as a matter of arithmetic and as a matter of figures, that there is slack there, and, there is no reason to assume that there won't be 396 further vacancies this year. In addition to that fact—and I believe I am correct in these figures—the Reserve and Contingent Funds for the year 1939, as set forth in the budget, were \$420,500, as against an average for each of the past three years amounting to \$300,000. So that in the budget as originally submitted there was an additional leeway of \$120,000 over and above the money that was in the budgets of the past three years. Bearing that all in mind, Mr. President, my thought goes back to the hundreds of people in the Dorchester area which I represent, who have not paid, let alone this year's taxes but last year's taxes, and maybe those of the year before. We know what the present tax rate is, and no matter whether it is an increase of 50 cents or 25 cents or a dollar or five dollars, the psychological effect of banging the unfortunate property owners and taxpayers of Boston with one dime of increased tax rate this year, in my mind, will be tremendous. I do not mean it will be tremendous from a political point of

view. I mean, from the point of view of the financial structure of the city and the happiness and sense of security in those homes. So I think that within reason we ought to go the limit on the reductions to be made in this particular budget. In closing I want again to repeat that I want to give every credit, so far as I am concerned, to the Appropriations Committee for the work that was done. I think they did a wonderful job, because I realize that great cuts were made before they cut the budget. I believe that the work they did with the Budget Commissioner—who, as I understand it, consistently stated that the budget could not be cut another dime on Friday night—was the real reason that influenced the Mayor in his broadness of vision and his wisdom and his fairness to meet even the minority of the committee more than half way. He is a practical man. I think that he is now convinced that the budget should be cut an additional amount. Perhaps I am not so practical. He is not voting here today. I am voting as my conscience dictates, and I move, sir, that we substitute for the report of the Executive Committee the report filed by Councilor Chase and the Committee on Appropriations; in other words, calling for a cut of \$423,169.21 rather than a cut of \$276,250.85.

Coun. TAYLOR—Mr. President, since the Mayor was inducted into office I don't think anyone can complain against or criticize his actions pertaining to the curtailment of the expenses of the City of Boston. From the moment he stepped into office, all along it has been his desire to cut the expenses of the City of Boston. He did it the first year and he attempted to do it the second year and he sent into this Council a budget less by \$1,800,000. When the councilor from Dorchester says that the budget can be cut further he perhaps has not the first-hand knowledge of the various departments that the Mayor has. The Mayor requested the City Council and the Committee on Appropriations to cut it if they possibly could do so, but you can only cut so far. You can't cut beyond the point where you are going to impair the public service; when you reach that point you can't go any farther, because if you do somebody in the city is going to suffer. And that is the reason why people pay taxes, to receive public service. The Mayor wants to cut it as far as possible. He courteously called us in today and told us that he believes that we could cut the personnel one per cent more. Although the budget won't stand it, he feels that during this year perhaps there will be sufficient vacancies, sufficient deaths and retirements, and sufficient funds in the rest of the departments that might be transferred which will take care of any other personnel without cutting into the salaries one cent. He has done this because he feels more for the taxpayer than any Mayor we have had for some time, and he has attempted to do a good job. Now, when he says \$276,000, I know that it cannot be cut a nickel farther unless something unforeseen takes place. We know that the Mayor of Boston has cut so much of the tax rate as is attributable to the City of Boston in the last two years—there is no question of doubt about that. We know that the administrative expense of Boston is much less than when he came in. We know where the increase comes from. It comes from the added Welfare Department expense, from the added tax that the State has put upon us, from the added increase in the Elevated deficit. That is where the increase comes. It is not because of any action of the Mayor or the City Council; it is because of things over which he has no control. That is where the increase is coming from. This state does not contribute towards welfare as other states do; this state only taxes the cities and towns. That is the reason why we are going to have an increase, if we do have one, in the City of Boston. It will be no fault of the Mayor or no fault of the City Council. If the Mayor says \$276,000, in view of his attitude about reducing expenses, is the proper amount, I do not think that we ought to substitute the committee's report. I heard Councilor Shat-

tuck say that he, as a member of the minority committee, is also willing to accept the Mayor's suggestion. I do not think any report should be substituted but that we should accept the suggestion of the Mayor.

Coun. SHATTUCK—Mr. President, in connection with the report which your committee made last week, today his Honor the Mayor suggested an amendment, cutting down the original budget and meeting more than halfway the proposals made by the minority of your committee. I think that the Mayor in large part is in sympathy with the minority of the committee and has gone more than halfway in meeting the position of the minority. I am willing to accept the proposal that he has made.

Coun. ROSENBERG—Mr. President, I might state that the budget as submitted, with the cuts recommended by the Mayor, in my opinion is the matter which the Council should really act upon this afternoon. I wonder how many of the members realize how much the budget has really been cut. I know of one department in the city today which has been cut to such an extent that some of the employees have been bringing in their own typewriters in order to do the work. That shows how closely the repairs have been cut in some of the departments. I am also aware of the fact, Mr. President, that one of our district courts, which in previous years was allotted money for the use of ice water and a cooler in the court, has had its allotment so cut that those things, have been taken from that particular court. The court clerk formerly used to be able to answer communications from lawyers, and today the communications sent to that particular court are usually unanswered because of the lack of funds for answering letters and communications. Unless you send a self-stamped, return envelope your letters are not answered, but you have to make telephone calls in order to get the desired information. I believe that the same condition exists in other places, and in practically all of the departments. The budget has been clipped as closely as possible, and in one or two of the county departments the Mayor has made certain recommendations, and I therefore think that the recommendations made by his Honor the Mayor constitute the budget we should vote on, and we should therefore vote against the budget now presented by the minority.

Coun. CAREY—Mr. President, as a member of the Committee on Appropriations I sat in on every hearing that was held on the budget by the Committee on Appropriations in 1939, and I believe I can safely say that no budget has ever been passed upon by any Mayor or any City Council in the city's history that was so closely scrutinized by the committee as was the budget for the year 1939. There were certain cuts made by the committee, and not until seven o'clock on last Friday evening did the Committee on Appropriations terminate its hearings on the budget. At that time there was the question as to whether or not any cut might be made in the Personal Service item. The Budget Commissioner at various times expressed his opinion that paring had been done right down to the bone. Any cuts that could have been wisely made were made by the committee in its various sessions. I sincerely feel that the budget as presented today, prepared by this Council, has been prepared as closely as could possibly be done without impairing the city service, and so I shall have to accept the recommendations of the Mayor today.

Coun. IRWIN—Mr. President, I believe that every councillor here has made up his mind. We have given it just as much serious thought as any member of the Appropriations Committee has, and I do not think that any more oratory will change one single vote. I therefore move the previous question.

The question came on Councillor Wilson's motion to substitute. The roll was called and substitution was lost, yeas 2, nays 16:

Yeas—Coun. Chase, Wilson—2.

Nays—Coun. Agnew, Carey, Englert, Fish, Fitzgerald, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Murray, Rosenberg, Shattuck, Taylor—16.

The question came on the passage of the order, as submitted by the Mayor. The roll was called and the order was passed, yeas 18, nays 0:

Yeas—Coun. Agnew, Carey, Chase, Englert, Fish, Fitzgerald, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Murray, Rosenberg, Shattuck, Taylor, Wilson—18.

Nays—0.

8. Report of Committee on Appropriations (majority report, Coun. Chase and Shattuck dissenting) (referred today) on message of Mayor and appropriations for year 1939—recommending that same be placed on file.

Report accepted; said report placed on file.

9. Report by Committee on Appropriations (minority report of Coun. Chase and Shattuck) on message of Mayor and appropriations for year 1939—recommending that same be placed on file.

The report was accepted and said report was placed on file.

10. Report on message of Mayor and order (referred today) appropriating \$25,000 from Highway Fund Distribution for deficit for snow removal—that same ought to pass.

The report was accepted and the order was passed, yeas 17, nays 0.

11. Report on message of Mayor and order (referred April 17) appropriating \$1,194,300 of Highway Fund money—recommending passage of accompanying order, viz.:

Ordered, That, as authorized by the provisions of chapter two of the Acts of nineteen hundred and thirty-nine, from the sum of one million, one hundred and ninety-four thousand three hundred (1,194,300) dollars, being the unexpended balance of funds distributed to the City of Boston under the provisions of chapter five hundred of the Acts of nineteen hundred and thirty-eight, the sum of two hundred and fifty-five thousand dollars (\$255,000) be, and hereby is, appropriated, for construction, reconstruction, maintenance and repair of roads, streets and highways other than state highways, surface drainage, sidewalks, curbs and bridges, whether such work be ordinary or otherwise, said sum to be expended, under the direction of the Commissioner of Public Works, as follows:

PUBLIC WORKS DEPARTMENT.

Paving Service.

A. Personal Service.....\$255,000 00

The report was accepted, and the order was passed, yeas 17, nays 0.

THE NEXT MEETING.

On motion of Coun. FITZGERALD the Council voted that when it adjourn it be to meet on Monday, June 26, at 2 p. m.

REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

1. Report on petition of Cornelius F. Mahoney (referred May 15) to be reimbursed for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of fifty-nine dollars and eighty cents (\$59.80) be allowed and paid to Cornelius F. Mahoney in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

2. Report on petition of Edmund F. McKenna (referred June 5) to be reimbursed for amount of execution issued against him on

account of his acts as operator of motor vehicle belonging to Paving Division of Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one hundred sixty dollars (\$160) be allowed and paid to Edmund F. McKenna in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Paving Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

3. Report on petition of Neil M. Murphy (referred June 5) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one hundred dollars (\$100) be allowed and paid to Neil M. Murphy in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

4. Report on petition of Francis E. Glennon (referred June 5) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of ninety-six dollars (\$96) be allowed and paid to Francis E. Glennon in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

5. Report on petition of Daniel P. Dacey (referred June 5) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor apparatus belonging to Fire Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of two hundred fifty-five dollars (\$255) be allowed and paid to Daniel P. Dacey in reimbursement for amount of execution issued against him on account of his acts as operator of motor apparatus belonging to the Fire Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

6. Report on petition of Patrick J. Donelan (referred June 5) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Fire Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of fifty-four dollars (\$54) be allowed and paid to Patrick J. Donelan in reimbursement for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Fire Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

#### PLAYGROUND, LAMARTINE AND GREEN STREETS, WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to consider the advisability of establishing a playground on the vacant land at the corner of Lamartine and Green streets, Ward 19.

Passed under suspension of the rule.

#### RESURFACING OF PAUL GORE STREET.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Paul Gore street, Ward 19, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### OBSERVANCE OF BUNKER HILL DAY.

Coun. IRWIN, for Coun. Galvin, offered the following:

Whereas, The greatest heritage of the youth of our nation is the right of citizenship; and

Whereas, Through the discontent of some and the apathy of others, the great boon of citizenship has lost its full significance; and

Whereas, A movement is now spreading throughout the nation to give full recognition of appropriate observance of a day set apart to welcome into full citizenship the young men and women of America who have attained their majorities and are now entitled to say to themselves, "I am an American"; therefore, he it

Resolved, That the City Council of Boston give its complete indorsement of the Bunker Hill Day observance relative to the young citizens, and also attend in a body the ceremonies to be held at the foot of Bunker Hill monument following the parade on next Saturday afternoon.

Passed under suspension of the rule.

#### BOSTON PROPERTY OWNED BY EASTERN MASSACHUSETTS STREET RAILWAY COMPANY.

Coun. ROSENBERG offered the following:

Ordered, That the Board of Assessors, through his Honor the Mayor, be requested to inform the Boston City Council the amount of personal property and the amount of real estate held and owned by the Eastern Massachusetts Railway in Boston, together with a description and location of same in their report to the Council.

Passed under suspension of the rule.

#### SIDEWALKS, WARD 15.

Coun. KELLY offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Church street, from High street to Winter street, Ward 15, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Commissioner of Public Works make a sidewalk along High street, from Hancock street to Church street, Ward 15, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Severally passed under suspension of the rule.

#### SALE OF CIGARETTES BY VENDING MACHINES.

Coun. WILSON offered the following:

An Ordinance Concerning the Sale of Cigarettes or Tobacco by Vending Machines.

Be it ordained by the City Council of Boston, as follows:

Section 1. No person shall vend or sell cigarettes, cigars or tobacco by the use of automatic vending machines or locate, install, keep, maintain, or use, or permit the location, installation, keeping, maintenance or use upon his premises of any vending machine, automatic vending machine, or coin controlled, or coin operating machine, or other mechanical device used or engaged to be used for the sale or distribution of cigarettes, cigars, or other tobacco products by such method until said person has obtained a license therefor from the Police Commissioner.



Section 2. Such licenses shall be for the term of one year from the date of issue, and the license fee shall be \$5.00 for each vending machine, automatic vending machine, or coin controlled, or coin operating machine or other mechanical device used or engaged to be used for the sale or distribution of cigars, cigarettes, or other tobacco products by such method, and shall be granted subject to the following rules and regulations and such other regulations as may be imposed by the Police Commissioner, and violation thereof shall be cause for immediate revocation:

a. Any person, firm or corporation using, locating, installing, keeping, maintaining or permitting said use, location, installation, keeping or maintenance of a cigarette or tobacco vending machine upon his premises shall first make application in writing for a license for each said machine to the Police Department, which application shall set forth the name, nationality, residence, and present occupation of the applicant and that such applicant is a citizen of the United States; the full name and address of the proposed licensee; the full name and address of the owner of said machine; the specific name and kind of machine, with the name and address of the manufacturer, and the specific location where the machine is to be set up and operated.

b. Any firm or corporation making such application shall designate in writing the member of such firm or the individual officer of such corporation to execute such application in the name and behalf of said firm or corporation.

c. No person, no ta citizen of the United States shall be granted such a license.

d. Upon conviction, as set forth in Section 3 of the Ordinance, the license or licenses of any person or persons, firm, or corporation so convicted shall be revoked and at least six months shall elapse before another license or licenses shall be granted to said person or persons, firm or corporation.

e. A license for any such machine shall be a license for such machine only at the location specified in the application and any transfer of such machine to another location shall require a new license.

f. The Licensing authority, or the Sealer of Weights and Measures, shall issue a metal plate to the applicant, which shall be fastened or exposed in a conspicuous place on each machine so licensed before such machine may be used or operated. Such plate shall specify the year of the current license, the name and address of the owner, the name and address of the licensee, the address of the location where such machine is licensed to be operated and a statement that such machine is not to be operated by any minor.

g. Each license granted shall be for a separate machine or apparatus at a designated location for a period of one year, or part thereof, upon payment of a license fee of \$5.00 per annum for each machine at such location, which license shall expire on the 31st of December following the granting thereof, and similar application shall be made for the renewal of any such license.

h. Before such machine is licensed, it shall annually be tested as to its mechanical operation by the Sealer of Weights and Measures of the City of Boston, who shall certify to the Licensing authority that the machine is in proper working order. The sealer may test such machine at such other times as he may deem necessary or expedient and the license of any machine certified by him as having been found not in good mechanical working order shall at once be revoked.

i. The Board of Health, at intervals, may inspect such machines and if, on such inspection, the merchandise in such machines is found not to be reasonably fresh, and merchantable, or if the machine or merchandise is certified by the Board of Health not to be in sanitary condition, then the license shall be at once revoked.

j. It shall be the duty of the Police Department to keep such machines under reasonable supervision and to diligently and promptly institute prosecution in any and all cases where any such machine is operated by a minor.

k. There shall be affixed conspicuously to the front of each machine a metal plate or sign with the words,—The sale of Cigarettes to Minors is Prohibited by Law,—printed plainly in letters not less in size than eighteen point capitals, bold face.

Section 3. Any person violating the provisions of this ordinance shall, upon conviction, be subject to a penalty not exceeding \$20.00 for each offense.

On motion of Coun. WILSON the ordinance was referred to the Executive Committee.

#### ADJOURNMENT.

Coun. IRWIN doubted the presence of a quorum, and on a count of the members it appeared that a quorum was not present.

Coun. WILSON doubted the vote and asked for a roll call.

The clerk called the roll, which showed the following members present: Coun. Carey, Chase, Englert, Hutchinson, Irwin, Kelly, Langan, Murray, Rosenberg, Shattuck, Wilson—11.

A quorum not appearing to be present, the Council stood adjourned to Monday, June 26, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, June 26, 1939.

Regular meeting of the City Council at Faneuil Hall, at 2 p. m., President MURRAY in the chair. Absent, Coun. Carey, McMahon, Norton and Wilson.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Constable for term of one year, beginning with the first day of May, 1939, with power to serve civil process upon the filing of the necessary bond: Charles G. Reddish, 7 Worthington street, Ward 10.

Weigher of Goods: Joseph Shields, 33 Wachuset street, Forest Hills, Mass.; Otto G. Garland, 24 Kelley court, Brighton, Mass.

Weigher of Coal: Richard H. Baxter, 160 Washington street, Medford, Mass.

Laid over to the next meeting under the law.

## LOAN ORDER FOR \$3,275,000.

The following was received:

City of Boston,

Office of the Mayor, June 26, 1939.

To the City Council.

Gentlemen,—Under the provisions of chapter 72 of the Acts of 1939 municipalities are authorized to borrow for use only for meeting appropriations made or to be made for public welfare, including aid to dependent children and old age assistance, soldiers' benefits including state aid, military aid, soldiers' burials and soldiers' relief, and for Federal emergency unemployment relief projects, provided an amount not less than 80 per cent of the aggregate expenditures for the year 1938 for public welfare, including aid to dependent children and old age assistance, soldiers' benefits, including state aid, military aid, soldiers' burials and soldiers' relief, excluding any Federal emergency unemployment relief projects and expenditures from Federal grants made for old age assistance and aid to dependent children, has been appropriated to be raised by taxation or appropriated from available funds.

During the year 1938 the aggregate expenditures for the purposes enumerated above were \$12,298,809.54. In order to take advantage of the provisions of said chapter 72 of the Acts of 1939, it is necessary for the City of Boston to appropriate, to be included in the 1939 tax levy, the sum of \$9,839,047.63, said sum being 80 per cent of the aggregate expenditures for the year 1938 for the purposes enumerated above.

The budget appropriations adopted by your Honorable Body to date contained appropriations for welfare and relief, exclusive of W. P. A., totaling \$11,541,196.94. Deducting from this amount the sum of \$9,839,047.63, which represents the 80 per cent required to be raised by taxation under the provisions of chapter 72, the remainder, namely, \$1,702,149.31, may be borrowed for welfare and relief departmental activities during 1939. Also in the budget appropriations adopted to date by your Honorable Body for 1939 there was appropriated for W. P. A. projects in city and county departments the sum of \$1,333,900, and, in addition, the School Department has appropriated \$240,000 for W. P. A. projects. The total of these three sums, namely, \$3,276,049.31, representing appropriations already made for public welfare, soldiers' relief

and Federal emergency unemployment relief projects, is the amount the city may finance through borrowing for these activities.

Because it is imperative that we ease, to the fullest extent of our ability to do so, the crushing burden placed on the taxpayers of our city, I propose to take advantage of the provisions of chapter 72 by borrowing for all relief purposes above and beyond the 80 per cent requirement established by said chapter. Otherwise it would be necessary to raise this sum by taxation, thus increasing the tax rate by approximately \$2. I, therefore, now submit for consideration a loan order providing for the borrowing of \$3,275,000 under the provisions of chapter 72 of the Acts of 1939 and recommend adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of chapter 72 of the Acts of 1939 the sum of \$3,275,000 be, and hereby is, appropriated for Public Welfare, Soldiers' Benefits and Federal Emergency Unemployment Relief Projects, to be used for meeting appropriations heretofore made, and that the City Treasurer be authorized to issue, from time to time, upon request of the Mayor, bonds or certificates of indebtedness of the city to said amount, the same to be issued outside the debt limit.

Referred to Executive Committee.

## LOAN ORDER FOR \$180,000.

The following was received:

City of Boston,

Office of the Mayor, June 26, 1939.

To the City Council.

Gentlemen,—I am advised by the Budget Commissioner that the appropriation for W. P. A. projects in the budget of the Park Department will not be sufficient to carry on the projects now in operation. This department employs approximately 5,000 W. P. A. workers and I am desirous that the necessary additional funds be provided to continue the program.

I submit herewith a loan order providing for the borrowing of \$180,000 under the provisions of chapter 72 of the Acts of 1939 and recommend adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of chapter 72 of the Acts of 1939 a loan in the sum of \$180,000, outside the debt limit, be, and hereby is, authorized, and that the City Treasurer, upon request of the Mayor, be authorized to issue bonds or notes therefor, and that the said sum of \$180,000 be, and hereby is, appropriated, to be expended in accordance with the provisions of chapter 72 of the Acts of 1939 for the following purpose:

Park Department.

H. Relief Projects.....\$180,000

Referred to Executive Committee.

## RANDIDGE FUND EXCURSIONS.

The following was received:

City of Boston,

Office of the Mayor, June 26, 1939.

To the City Council.

Gentlemen,—I present herewith an order for the appropriation of five thousand dollars (\$5,000) from the Contingent Fund to be used for Randidge Fund excursions during the summer months.

This appropriation is the usual amount allowed each year for the purpose of transporting children from various sections of the city for excursions, and I respectfully recommend adoption of the accompanying order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$5,000 be, and the same hereby is, appropriated, to be expended by the Board of Park Commissioners, for recreation purposes, by the transportation of children from various parts of the city to certain recreational centers within and without the limits of the city, and for other incidental expenses in connection therewith, said sum to be charged to the Contingent Fund.  
Referred to Executive Committee.

#### SALE OF LAND, TUFTS AND MEDFORD STREETS.

The following was received:

City of Boston,  
Office of the Mayor, June 26, 1939.  
To the City Council.

Gentlemen,—I present herewith an order for the sale of the land and buildings at the corner of Tufts and Medford streets, Charlestown, formerly used as a district yard by the Water Division of the Public Works Department, to the Boston Housing Authority, for the sum of \$9,200.

This property has been abandoned for several years and is no longer needed by the Public Works Department for any purpose. In view of the fact that this land is chosen for the Charlestown housing unit and in view of the fact that the Boston Housing Authority has the right to condemn this property, I am of the opinion that a sale at the above price should be made to the Boston Housing Authority without public auction.

I recommend passage of the accompanying order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, June 19, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I am in receipt of a letter from a representative of the Boston Housing Authority wherein they propose paying to the City of Boston the sum of \$9,200 for the land and buildings at the corner of Tufts and Medford streets, Charlestown, formerly used as a district yard by the Water Division of this department.

This property has been abandoned for several years as a district yard, and we did not contemplate, at any time prior to the present offer, utilizing it for any purpose. The property is assessed for \$10,500, but it is my opinion that it could not command from any private individual or corporation the amount that the Housing Authority propose paying us for it. This property is within the area in which the Housing Authority propose constructing the Charlestown unit.

I respectfully recommend that the offer of \$9,200 be accepted and that the inclosed order, that has been prepared by the Corporation Counsel, be introduced in the Council, authorizing the sale of this land and buildings to the Boston Housing Authority.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Whereas, The City of Charlestown in the year 1870 did purchase in fee for the purposes of its water works certain contiguous parcels of land situate on Tufts and Medford streets in said City of Charlestown. The said parcels of land hereinafter described were acquired by the said City of Charlestown by three deeds; the first of said deeds is dated June 4, 1870, and recorded with Middlesex Deeds, Book 1101, page 534; the second of said deeds is dated June 6, 1870, and recorded with Middlesex Deeds, Book 1101, page 341; and the third of said deeds is dated June 6, 1870, and recorded with Middlesex Deeds, Book 1101, page 343; and

Whereas, By the provisions of chapter 286 of the Acts of 1873, the City of Charlestown was annexed to and became a part of the City of Boston on the first Monday of January,

1874, and the premises hereinbefore referred to and hereinafter described thereby became the property of the City of Boston; and

Whereas, The said premises are no longer needed for public purposes; and

Whereas, The Boston Housing Authority is desirous of acquiring the said premises for its Charlestown housing project; now, therefore, is hereby

Ordered, That his Honor the Mayor be, and he hereby is, authorized to sell at a minimum price of nine thousand two hundred (9,200) dollars to the Boston Housing Authority the above mentioned and hereinafter described land with the buildings thereon, together with all appurtenances pertaining thereto and to execute and deliver a deed thereof in form satisfactory to the Law Department of the City of Boston. The above mentioned land is bounded and described as follows:

Beginning at a point on the southerly side line of Medford street at its intersection with the westerly line of Tufts street; thence running westerly on the southerly side line of Medford street, seventy-six and 64-100 (76.64) feet; thence turning and running southerly by land now or formerly of Palmer & Parker Company by two measurements, fifty-eight and 68-100 (58.68) feet and one hundred nine and 11-100 (109.11) feet; thence turning and running easterly by Sheridan court, seventy-two and 70-100 (72.70) feet; thence turning and running northerly by Tufts street, one hundred seventy-four and 15-100 (174.15) feet to the point of beginning and containing about 12,545 square feet of land. The foregoing described premises are shown on a plan marked "Plan of land in Charlestown belonging to the City of Boston; scale 10 feet to an inch. City of Boston, Medford street, Tufts street, Sheridan street, Charlestown, June 7, 1939, William J. Sullivan, Chief Engineer, Street Laying-Out Department," on file in the office of the Chief Engineer, Street Laying-Out Department, City Hall Annex, Boston, Massachusetts."

Referred to Executive Committee.

#### APPROPRIATION FOR W. P. A. PROJECTS FROM WATER INCOME.

The following was received:

City of Boston,  
Office of the Mayor, June 26, 1939.  
To the City Council.

Gentlemen,—I am advised by the Budget Commissioner that the appropriation for W. P. A. projects in the budget of the Water Service of the Public Works Department is practically exhausted. In order that the W. P. A. projects in the Water Service may be continued, I submit herewith an order appropriating the sum of \$38,000 from the income of this division, and respectfully recommend adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That to meet the current expenses payable during the financial year beginning with the first day of January, 1939, an additional sum of \$38,000 be, and the same hereby is, appropriated from the income of the Water Service of the Public Works Department for the following purpose:

H. Relief Projects.....	\$38,000
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Referred to Executive Committee.

#### APPROPRIATION FOR MUNICIPAL SURVEY COMMITTEE.

The following was received:

City of Boston,  
Office of the Mayor, June 26, 1939.  
To the City Council.

Gentlemen,—I am informed that the original appropriation of \$25,000 for the Municipal Survey Committee is practically exhausted.

I am anxious that the Survey Committee be continued for an indefinite period for the

purpose of making studies and installing improvements in various city methods and practices. I am of the belief that the work of the Survey Committee up to this point has amply justified its existence and I am certain that the committee, under the leadership of the new director, Mr. Leo Foster, will continue to produce very favorable results for the city.

I respectfully request passage of the accompanying order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$25,000 be, and hereby is, appropriated, to be expended under the direction of the Mayor, for a survey of municipal departments, methods, activities, for the purpose of ascertaining what economies can be recommended; said sum to be charged to the appropriation for the Contingent Fund. Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

John J. Bailey, for compensation for damage to property at 14 Wait street, caused by backing up of sewage.

John W. Boylen *et al.*, for compensation for damage to car and personal injuries caused by city truck.

John F. Burke, for reimbursement for judgment issued against him.

Nellie Cox, for compensation for injuries caused by an alleged defect in Market street, Economy Grocery Stores Corporation, for compensation for damage to property at 148 Cambridge street, caused by leaking sewers.

William Gordon, for refund on license for sightseeing automobile.

Salvatore Gulizia, for compensation for damage to clothing by city car.

Catherine Henry, for compensation for damage to property at 15 Oregon street, caused by backing up of sewage.

John F. Leonard, to be reimbursed for judgment issued against him.

Mary Lyons, for compensation for damage to car and injuries caused by city truck.

Rev. Pasquale D. Maida, for compensation for damage to car by city wagon.

Winifred McNamara, for compensation for injuries caused by an alleged defect in Tremont street.

Gertrude L. Nelligan, for compensation for injuries caused by an alleged defect at 1619 Commonwealth avenue.

Dennis Pateras, for compensation for injuries caused by city car.

John W. Sheehan, for compensation for damage to car by city cart.

Frederick H. Smith, for compensation for damage to property at 11 Rich street, caused by change of grade of street.

George F. Smith, to be reimbursed for judgment issued against him.

Albert F. Wagner, to be reimbursed for judgment issued against him.

Mrs. E. Weissman, for compensation for damage to property at 8 Creston street, Roxbury, caused by plugged up sewer.

Peter Xiarhos, for refund on fee paid for sale of ice cream.

James P. Craig, to be reimbursed for judgment issued against him on account of his acts as employee of Public Works Department.

Committee on Ordinances.

Petition of A. A. Bianco for driveway opening at 1081 and 1083 Bennington street, Ward 1.

Executive.

Petition of Marion E. Twigg, to be paid an annuity on account of death of her husband, George F. Twigg, member of the Police Department.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

Alice W. Brooks, Jordan Hall, June 22.  
Ethel M. Gegan, Whitton Hall, June 26.  
Adrienne K. Leeman, Peabody Playhouse, June 23.

Petition of Boston United Hand-in-Hand Association to use land for cemetery purposes.

Committee on Jitney Licenses.

Petition of Boston Elevated Railway to operate motor vehicles between junction of Morton street and Blue Hill avenue and Forest Hills Station, over Morton street, Morton lane, Forest Hills street, northerly general traffic roadway of Arborway and Washington street; return over Washington street, Morton street, Harvard avenue, Johnston road and Blue Hill avenue.

FINANCE COMMISSION REPORT ON ELEVATED.

The following was received:

City of Boston,  
Finance Commission, June 16, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Honorable Sir,—Recently the Finance Commission wrote to you in regard to the desirability of providing funds to enable the commission to make a comprehensive investigation of the Boston Elevated Railway Company. The commission realizes the difficulty you are having in providing funds for regular municipal purposes. Because of this difficulty you naturally would require a little time for turning this matter over in your mind before coming to a decision.

The commission does not now desire to hasten your decision unduly. Nevertheless, there is a situation arising in respect to some Boston Elevated Railway Company affairs that requires early action. This relates particularly to the future of the elevated structure on Atlantic avenue.

Though this structure has been abandoned legally by the public control trustees, it still stands in the center of an important highway an impediment to traffic, a detriment to property value and a hindrance to possible use of the waterfront which it borders. Many minds apparently are busy trying to devise schemes by which it can be kept there permanently. It seems to the commission that the motivating impulse of these was born of a desire for individual or private gain rather than public good.

The most extravagant idea brought to public notice to date is to use it—expanded to the sidewalks and with numerous ramps up and down for access to and exit from it—for an elevated highway.

To use it for this purpose, in the opinion of the commission, would not alone mean an unwarranted large expenditure of public funds. It would mean perpetuation of a structure that has throttled logical and natural development of the area bordering on the harbor front.

There seems to be conflict of opinion in the elected government of Boston as to what should be done with the structure. The City Council first took action by adoption of a vote requesting the Corporation Counsel to file a bill in the Legislature authorizing the city to tear it down. There was no suggestion of paying anybody anything for it, or of merely acquiring title to it so as to use it later for some city purpose like a highway.

What first followed this order of the Council was a bill filed by the Corporation Counsel authorizing the city, not to take it and tear it down, but authorizing purchase by the city for an unnamed sum. This bill was permissive all the way through. It would permit use of it after acquisition for a highway. The title of the bill, in fact, bore the legend, in part, "to removal thereof or use the same for an overhead highway."

Subsequent to the filing and printing of the bill and report of it by the Metropolitan Affairs Committee to the Committee on Ways and Means, the Corporation Counsel suggested that the sum of \$100,000 be placed in the bill as the price the city would be required to pay for it.

Now, the Finance Commission is concerned with two things. First, the possibility of the city paying a large sum of money for the structure, \$100,000, or what not. Secondly with the possibility of commitment, by this indirect method, to use the structure later for an overhead highway.

The commission believes there is no merit to a proposal now to pay the company a large sum of money for a structure that its legal officers have abandoned because it outlived its usefulness, and always caused substantial financial loss to the company; or for a structure that has impeded and still impedes the proper use of the area through which it extends.

The idea of using it for an overhead highway is fanciful in the extreme. Why some will demand reduction of half-century old public services with one breath because the city is in dire financial straits, and with another talk of spending millions on a project of this character is beyond understanding. The Finance Commission hesitates to make public statement of, or even to give credence to, suggestions freely made of the motives of the promoters of the idea. It is sufficient to repeat as already stated in this report that the motives of the promoters are questionable.

The specious argument is being made that under the Public Control Act (the act of 1918 by which the State took over control of the Boston Elevated Railway Company) the trustees must preserve this elevated structure in good condition, while public control lasts; that it can be taken only by eminent domain, but if thus taken, the city will likely be required to pay somewhat in accordance with book value of the structure, which is now approximately \$3,000,000.

Adoption of the bill now before the Legislature, House No. 116, on your petition would be in the nature of recognizing validity of this argument. And if the argument is sound in connection with the elevated structure, does not the same apply to the many miles of surface tracks which the public control trustees have abandoned and permitted municipalities to bury in new pavement or to tear up and remove?

It is easy to see that there is great danger to the city's interest in any recognition now that the trackage on the elevated structure on Atlantic avenue, and, therefore, the structure itself, has a value that the city is bound to pay for to the company, if the city removes it. Later the city or the municipalities of the district might be called upon to pay for the 100-odd miles of trackage which have been similarly destroyed.

At its June 12 meeting the City Council adopted an order directing the Corporation Counsel to substitute for House No. 116 of 1939 (the bill already referred to above) a new bill relating to the Atlantic avenue structure which would direct the Public Works Department to remove the structure without compensation to the Boston Elevated Railway Company. The Finance Commission is heartily in accord with this proposed substitution.

The commission believes it is unnecessary for the city to pay anything for this structure in view of the opinion of Attorney-General Atwill in Volume IV, pages 407-417, Attorney-General's Opinions. This opinion relates to a portion of this very situation (removal of another portion of the same structure) and although it was an interpretation of the original act of 1894, chapter 548, incorporating the Boston Elevated Railway Company, it was not changed by the so-called Public Control Act of 1918, chapter 159.

The Attorney-General stated that the General Court of Massachusetts has the authority under its police power to order the removal of elevated structures in the City of Boston, which have been abandoned by the company and are a menace to the public.

The conclusion of that opinion reads as follows:

"Under these circumstances, and in view of the nature of the rights of this company in public highways, I am of the opinion that it is within the constitutional power of the General Court, upon consideration of such

facts as I have suggested, and any other facts bearing upon the matter that may be brought to its attention, to conclude that the Boston Elevated Railway Company has discontinued or abandoned the use of that portion of its structure under consideration which is within the limits of public ways; that this structure is and can be of no further public use; that it unreasonably interferes with enjoyment and use of the public ways by the public to the detriment of the public health and safety; and by appropriate legislation to require that company, at its own expense and without compensation, to remove such structure. Such an enactment would, in my opinion, be a valid regulation of the use of these public highways in the interest of the public health and the public safety under the police power."

Under Special Acts of 1918, chapter 159, section 2, the Board of Trustees of the Boston Elevated Railway Company have sole control of the operation and management of the railway to the exclusion of the Board of Directors. The trustees have officially abandoned the Atlantic avenue structure and given notice thereto in their report to the General Court of 1938 filed in the clerk's office of the House of Representatives.

The Finance Commission therefore desires to be recorded against any measure that will authorize payment of any sum of money to the Boston Elevated Railway Company for the Atlantic avenue structure; against any measure that commits to the slightest degree the city to build an elevated highway on Atlantic avenue; and in favor of a bill such as the City Council has proposed which would require demolition of the Atlantic avenue elevated structure without compensation to the company.

Respectfully submitted,

DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCOLPNETI,  
JAMES H. FLANAGAN,  
The Finance Commission.

Placed on file.

#### PERSONS QUALIFIED TO SERVE AS JURORS.

The following was received:

City of Boston,  
City Clerk's Office, June 26, 1939.  
To the City Council.

Gentlemen.—You are hereby notified that the list of inhabitants qualified to serve as jurors, prepared by the Election Commissioners and printed in City Document No. 44, was this day filed with me. It contains 10,340 names.

Respectfully,

W. J. DOYLE, City Clerk.

Placed on file.

#### PREPARATION OF JURY LIST.

President MURRAY submitted the following: Ordered, That the City Clerk be hereby directed to cause the names on the Jury List (City Document No. 44) transmitted to him by the Election Commissioners, to be written each on a separate ballot and said ballots to be properly folded and placed in the box provided for the purpose.

Passed under suspension of the rule.

#### CONSTABLES' BONDS.

The constables' bonds of the following, having been duly approved by the City Treasurer, were received and approved, viz.: David Belson, William J. McCorkle, Jacob E. Schrank.

#### MINORS' LICENSES.

Petitions for minors' licenses were received from fifty-eight newsboys and ten bootblacks. Licenses granted under usual conditions.

NOTICES FROM STATE DEPARTMENT OF PUBLIC WORKS.

Notice was received from the State Department of Public Works of laying out of state highway leading from Boston to Milton as shown on plans in office of said department. Notice was received from above department of laying out as state highway of Neponset Valley Highway. Severally placed on file.

CONFIRMATION OF APPOINTMENTS.

Coun. ROSENBERG called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointments submitted by the Mayor June 12, 1939, of Constables authorized to serve civil process upon filing bond, viz.: Samuel Goldkrand, Joseph J. Cunningham, David Kaplan.
2. Action on appointments submitted by the Mayor June 12, 1939, of Eugene L. Murphy, to be a Weigher of Coal; and William H. Parrott and George L. Runey, to be Measurers of Leather.

The question came on confirmation. Committee, Coun. Fish and Irwin. Whole number of ballots 12, yes 11, no 1, and the appointments were confirmed.

SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of June. Report accepted; said order passed.

LIENS FOR UNPAID WATER RATES.

Coun. FITZGERALD offered the following: An Ordinance Concerning Liens for Water Rates. Be it ordained by the City Council of Boston, as follows:

Chapter twenty-seven of the Revised Ordinances of 1925 is hereby amended by inserting after section twenty-six the following new section:

26-A. At least sixty days before filing for record in the registry of deeds, under section 42-B of chapter forty of the General Laws, of a lien against any particular parcel of real estate for unpaid water rates the commissioner shall send a notice of his intention to file such lien with a statement of the amount due, to the owner of record as of January 1 in the year of the proposed filing.

Referred to the Executive Committee.

RESURFACING OF SOMERSET STREET.

Coun. FITZGERALD offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth pavement Somerset street, Ward 3, which is in a dangerous condition and unsafe for travel.

Passed under suspension of the rule.

IMPROVEMENTS AT NORTH END PARK.

Coun. FITZGERALD offered the following: Ordered, That the Park Commission be requested, through his Honor the Mayor, to make the following improvements at North End Park:

1. Resurface baseball in-field and out-field.
2. Install swings, see-saws and slides for the recreation of children.
3. Install a regulation tennis court.

4. Clean and resurface sand on the beach for sanitation purposes.
  5. Remodel pier for safety purposes.
  6. Install regulated diving board equipment, also for safety purposes.
- Passed under suspension of the rule.

PLEBISCITE ON STATE-SUPERVISED LOTTERY.

Coun. KELLY offered the following:

Whereas, His Excellency, Governor Saltonstall, has recently recommended additional taxes which vitally affect the man and woman of moderate circumstances in the Commonwealth, and whereas, a proposal to tax weekly pay rolls of all employees 2 per cent has been introduced;

Whereas, These taxes are being heard this week by the Committee on Ways and Means at the State House; be it

Resolved, That the Boston City Council, interested in the welfare of the Boston residents, go on record as opposed to these taxes, and respectfully suggest that his Excellency the Governor conduct a plebiscite in order that the people by vote might determine if the citizens of Massachusetts prefer a state-supervised lottery as a substitute for these "soak-the-poor taxes."

Coun. KELLY—Mr. President and members of the Council, in presenting these resolutions to this Honorable Body for immediate consideration in this open meeting and appreciating its gravity, I ask your indulgence while I read this statement. It is of supreme importance that there be no misquoting and to that end I am reading it. Now Mr. President and gentlemen, the citizens of the Commonwealth in general, taxpayers, whether industrial, professional, small business men or simple employees, are all deeply affected by this new proposal for additional taxes submitted by his Excellency the Governor. Every group of our citizenry appreciating the difficulties now experienced in meeting present tax levies, view, with horror and grave concern, their ability to meet this unjustifiable demand. You and I as councilors of the City of Boston keenly appreciate their difficulties, because of our intercession with the Assessing and Tax Collecting Departments, to allay, if possible, this burden of real estate tax. From our own experience we know that thousands of homes have been sacrificed in this city because of the inability of owners to meet their increasing taxes. This is a serious situation, Mr. President, and we would be false to our solemn oath of office as councilors and directors in this great corporation, the City of Boston, if we did not give serious thought to any proposal that might assure increased revenue if it can be accomplished without the burden of additional taxes. Because of the firm belief of many citizens, residents of my district, that the creation of a state-supervised lottery would result in the procuring of millions of dollars to the various cities and towns in the Commonwealth, thereby affording sufficient funds for the payment of which unemployment insurance and old age assistance, thus taking from real estate the tremendous assessments now levied against it for the support of these activities of government. Boston is approaching a grave crisis in her financial affairs. This is no idle comment. A talk with representatives of the Chamber of Commerce, the various Boards of Trade, employment offices, both private and public, will convince the most skeptical person that industry is leaving our city, small businesses are folding up because of their inability to pay the high rate of tax placed upon real estate. While this tax rate of last year of \$41.30 is undoubtedly high, you and I know that if the proper assessment was made on real estate the tax rate in this city would be \$8,000 per thousand, as it is impossible to sell a piece of real estate in the so-called better sections of Boston for one third of the assessed value. Now, Mr. President and gentlemen, I repeat this is a serious situation, requiring intestinal fortitude on the part of this Council to solve

it. In presenting this resolution for a plebiscite on the question of a state-supervised lottery, I am governed by the knowledge of the vast millions of dollars wagered in this Commonwealth annually, in forms of gambling legalized by the Commonwealth, namely, pari-mutuel racing of horses and dogs. The figures I am now going to quote are not taken from the ether, but are the records at the State Treasurer's office. The report of 1938 shows close to forty-nine million dollars paid through the windows at the race track and this tremendous sum in a period of not more than 110 days. From this huge sum of money the Commonwealth receives a tax of 3½ per cent. This, of course, is an injustice to the Commonwealth, as the operators of these tracks receive 11½ per cent. While we may be amazed at this vast sum of money gambled legally, you and I as practical men know that for every dollar waged legally there are three other dollars bet in poolrooms, "bookies," number pools, beanos, raffles, lotteries, treasury pools. Mr. President and gentlemen, I might go on for an hour reciting the various forms of gambling which take place in the Commonwealth from which the state derives no revenue, and I feel the time has arrived in this tax-crisis period of our city when drastic changes should be made in our revenue set-up. We are living in a gambling age and respectable citizens no longer look upon gambling as a social evil. This being true, why not apply this gambling to the benefit of our city and state. The people of the Commonwealth can be depended upon to settle this question intelligently and to their best interests, and I can conceive of no councilor justifiably denying the people the opportunity of voting upon this matter, and respectfully urge upon the membership that this Body go on record favoring this plebiscite for a state-supervised lottery. His Honor the Mayor recently ordered a plebiscite in the Hyde Park section. The Mayor of Woburn ordered a plebiscite and the people of that city turned out in large numbers and registered their support of the measures advocated by him. I have every desire to be fair and with no intent to hurt the feelings of any who from conscientious scruples seem opposed to lotteries. Their opposition might dwindle greatly did they know that the construction of Washington street, the early buildings of Harvard College and this historic Faneuil Hall, our Cradle of Liberty, where we now assemble, were constructed from funds obtained from lotteries.

The order was referred to the Executive Committee.

#### APPOINTMENT OF TEMPORARY CHAIRMAN, EXECUTIVE COMMITTEE.

President MURRAY appointed Coun. Shattuck to serve as temporary chairman of the Executive Committee.

#### \* WADING POOL, FRANKLIN PARK.

Coun. ROSENBERG offered the following: Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to construct a wading pool at Franklin Park, from the income of the fund.

Passed under suspension of the rule.

#### CONSIDERATION ON DELINQUENT WATER BILLS.

Coun. ROSENBERG offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to grant humane consideration to owners of property who may be delinquent in the payment of their water bills.

Coun. ROSENBERG—Mr. President, I appreciate the fact that the Water Income Department during the past year has collected a tremendous amount of money that has been

outstanding in delinquent water bills that have been owed to the city, under the direction of Mr. Dan Sullivan. However, it has been called to my attention that the methods that are being used by some of the inspectors and men that have been sent out from the department would remind one of "Uncle Tom's Cabin" in the "Simon Legree" like manner of whipping certain poor and unfortunate owners of property into line and making them suffer great consequences as the result of such tactics as have been resorted to in the collection of the water bills. I believe that a more humane system should be devised in reference to treating the owners of property. I am particularly interested in a case that was reported to me only recently. With the temperature ranging between 85 and 90 degrees, a collector or a representative of the Water Department came down and demanded the payment of a water bill. The owner of the property was away but his wife was at home. She pleaded with this man who came down to shut off the water, or demand the payment of the water bill, to let the matter stand until the following morning, when her husband would return. There were eleven children in that home, one of them very seriously ill. No attention was paid to the pleadings of this housewife, the wife of the owner of the property. I believe that under circumstances such as those more consideration should be given to the owners of property. I believe that we ought to collect as much money as possible but I do not believe that we should approve some of the methods which have been used in certain cases but should act with a more humane consideration. I trust, as the result of this order, that Mr. Dan Sullivan and the Public Works Commissioner will see to it that every consideration is given to the owners of property. I am not asking for indefinite delay, but merely that in dealing with the owners of property in the collection of water bills, if they request one day's leeway they should be granted that privilege. I ask the passage of this order.

Coun. TAYLOR—Mr. President, on that order I wish to state that I know from personal experience that Dan Sullivan of the Water Department has always been reasonable. I have never found one instance where the circumstances of the home were such that they required more time in order to make payment that he did not comply with the request, and many times when the water was shut off and there were circumstances of which he was not aware I asked him to turn on the water and things would be straightened out. I was always treated courteously and he always complied with the request. In my opinion, Mr. Sullivan is doing a good job up there, and I have always found him willing to cooperate at any time upon any reasonable request. I know there are a good many people who are trying to evade their water bills, and there are others who are not trying to evade but because of financial circumstances they are unable to pay. And never in one instance can I recall Mr. Sullivan denying any reasonable request.

The order was passed under suspension of the rule.

#### HOLIDAY JULY THIRD.

Coun. FISH offered the following: Ordered, That his Honor the Mayor be requested to grant leave of absence to all city employees who may be spared from their duties on Monday, July 3, without loss of pay. Passed under suspension of the rule.

#### ERECTION OF STATUE TO COMMODORE JOHN BARRY.

Coun. MURRAY offered the following: Resolved, That the City Council of Boston in meeting assembled hereby favors the passage of legislation now before the Congress of the United States for the erection of a suitable statue in honor of Commodore John



Barry, the father of the American Navy, and that the City Council of Boston is entirely in agreement that such statue be presented to the Republic of Eire, the mother country of Commodore John Barry.

Passed under suspension of the rule.

ACCEPTANCE OF CHAPTER 237.

Coun. GALVIN offered the following:  
Ordered, That chapter 237 of the Acts of 1939, entitled "An Act Relative to the Pensioning of Certain Members of the Fire Department of the City of Boston," be, and hereby is, accepted.

Referred to the Executive Committee.

WARD 11 IMPROVEMENTS.

Coun. ENGLERT offered the following:  
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving Rosemary street, Ward 11, under the W. P. A. plan of construction.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out as a public highway, under the W. P. A. type of construction, Hampstead road, Ward 11.

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to construct sidewalks along both sides of Haverford street, from Montebello road to Boylston street, Ward 11, under the W. P. A. type of construction.

Severally passed under suspension of the rule.

ACCEPTANCE OF PORTINA ROAD.

Coun. SULLIVAN offered the following:  
Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to lay out and accept as a public highway Portina road, Ward 22, under the W. P. A. type of construction.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

Report on petition (referred today) of A. A. Bianco for driveway opening at 1031 and 1033 Bennington street, Ward 1—that leave be granted under usual conditions.

Report accepted; leave granted under usual conditions.

RECESS.

By direction of President MURRAY the Council took a recess at 2.43 p. m. The members reassembled and were called to order by President MURRAY at 4.10 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. SHATTUCK, for the Executive Committee, submitted the following:

1. Report on petitions (referred today) for children under fifteen years of age to appear at places of public amusement, viz.: Alice W. Brooks, Jordan Hall, June 22; Ethel M. Gegan, Whitton Hall, June 26; Adrienne K. Leeman, Peabody Playhouse, June 23—recommending that leave be granted under usual conditions.

Report accepted; leave granted under usual conditions.

2. Report on order (referred today) accepting chapter 237 of Acts of 1939 for pensioning of firemen—that same ought to pass. Report accepted; said order passed.

3. Report on message of Mayor and order (referred today) appropriating \$5,000 for Randidge Fund excursions—that same ought to pass.

Report accepted; said order passed, yeas 16, nays 0.

4. Report on message of Mayor and order (referred today) appropriating \$3,275,000 for Public Welfare, Soldiers' Benefits and Federal Emergency Unemployment Relief Projects—that same ought to pass.

Report accepted; said order given its first reading and passage, yeas 17, nays 0.

The order will be given its second reading and passage in not less than fourteen days.

5. Report on message of Mayor and order (referred today) authorizing loan of \$180,000 for relief projects, Park Department—that same ought to pass.

Report accepted, and the order was given its first reading and passage, yeas 17, nays 0.

The order will come up for its second reading and passage in not less than fourteen days.

6. Report on message of Mayor and order (referred today) appropriating \$38,000 from income of Water Service to meet current expenses—that same ought to pass.

Report accepted; said order given its first reading and passage, yeas 17, nays 0.

7. Report on message of Mayor and order (referred today) for sale of land and buildings at corner of Tufts and Medford streets, Charlestown, to Boston Housing Authority—that same ought to pass.

Report accepted; said order given its first reading and passage, yeas 17, nays 0.

8. Report on resolution (referred today) that plebiscite be conducted on state-supervised lottery—that same ought to pass.

The report was accepted, and the question came on the adoption of the resolution.

Coun. AGNEW—Mr. President, on a point of order, I think that this matter should go to the Committee on Rules. I do not think the Council has any—

President MURRAY—The point of order is well taken and the matter is referred to the Committee on Rules.

Coun. KELLY—Mr. President, the members of the City Council in executive session passed this. I can well realize why the councilor from Brighton gets up on a point of order and makes a suggestion that this go to the Committee on Rules. I do not blame him for opposing this, because he holds a high state position, appointed by a former Governor of the Commonwealth, and naturally, in order to hold his job, he has to stay in the good graces of the Governor. Hearings are being conducted in the State House this week, and being conducted every day of the week, and I don't think the members of this City Council want to see this thing referred to the Committee on Rules, when you realize that these bills, what we call "soak-the-poor taxes," include two cents a gallon tax on gasoline, a 2 per cent reduction for every State employee, and two cents on each package of cigarettes. Mr. President, I don't see any reason in the world for sending this order to the Committee on Rules, because, naturally, it is going to put it out of existence, and I pray you, Mr. President, that you call the roll and ask the members to answer "Yes" or "No."

President MURRAY—The Chair will state to the councilor that the point of order having been raised, the Chair has no alternative under the rule, which reads as follows: "Any motion, order or resolution which in the opinion of the presiding officer does not have a direct bearing on the business of the Council shall be referred without debate to the Committee on Rules and shall not be further considered by the Council except upon report by that committee."

Coun. KELLY—A point of order, Mr. President. I think this resolution is of interest to every member of this Council from the standpoint of the revenue that would be brought into the Commonwealth and into the City of

Boston. That matter is naturally something which is of interest to every person who is a member of this Council, and by referring this to the Committee on Rules, Mr. President, we are keeping away from the people of the Commonwealth a chance to state whether they favor a so-called lottery. I realize that even Harvard College was built as a result of a lottery, that the main street of the City of Boston, namely, Washington street, was constructed as the result of a lottery, and that this great Faneuil Hall, the Cradle of Liberty, was built as the result of a lottery. Mr. President, the point of order being taken in regard to this thing is just sidetracking it, that is all. I realize that the Council are going to vote in favor of it, and I don't think it is fair for the councilor to get up on a point of order and make a motion that this be referred to the Committee on Rules. The Council voted unanimously here a few weeks ago to have a plebiscite on housing. Every member of this Council voted for it, Mr. President. It is just because the councilor happens to be against this measure that he gets up in this Council and has this order sidetracked.

Coun. HUTCHINSON—Mr. President, a point of information. After it has been referred to the Executive Committee and the committee reports that it ought to pass, does the President then refer it to the Committee on Rules?

President MURRAY—A point of order having been raised; yes.

Coun. HUTCHINSON—At any time?

President MURRAY—At any time.

Coun. IRWIN—A point of information, Mr. President. Inasmuch as the councilor has introduced the order, I would like to ask the Chair if a recess should not be called and the Committee on Rules act on it.

President MURRAY—If there is a quorum of the Committee on Rules present, or if all of the members are present, they can hold a meeting.

The resolution was referred to the Committee on Rules.

9. Report on ordinance (referred today) that sixty days before filing for record of lien against real estate for unpaid water rates the commissioner shall send notice of his intention—recommending reference to the Committee on Ordinances.

Report accepted; said reference ordered.

#### REPORT OF COMMITTEE ON COUNTY ACCOUNTS.

Coun. ENGLERT, for Coun. Carey, submitted the following:

1. Report on message of Mayor and order (referred March 27) establishing position of chief elevator operator at \$1,900—that same ought to pass.

Report accepted; said order passed.

2. Report on message of Mayor and order (referred March 27) establishing position of coat room attendant at range of compensation from \$1,000 to \$1,300—that same ought to pass.

Report accepted; said order passed.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

1. Report on petition of Edwin J. McLaughlin (referred June 12) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, recommending passage of following order, viz.:

Ordered, That the sum of \$100 be allowed and paid to Edwin J. McLaughlin in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

2. Report on petition of Edwin J. McLaughlin (referred June 12) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, recommending passage of following order, viz.:

Ordered, That the sum of \$50 be allowed and paid to Edwin J. McLaughlin in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

3. Report on petition of Arthur J. Grimley (referred May 22) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of \$20.50 be allowed and paid to Arthur J. Grimley in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

#### WARD 19 IMPROVEMENTS.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to repair the retaining wall on Cummins Highway, at Brown avenue, Ward 19.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange for the immediate repair of the stairway at Johnswood road, Ward 19.

Severally passed under suspension of the rule.

#### WARD 20 IMPROVEMENTS.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Symmes street, both sides, from Fairview street to Walter street, Ward 20, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be 4 feet in width, and to be built of artificial stone, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Welton road, Ward 20, as a public highway, under the W. P. A. plan of construction.

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to take up with the Metropolitan District Commission the matter of installing a sidewalk on the right-hand side of Washington street, Ward 20, from the West Roxbury Parkway to La Grange street.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to take immediate action in the matter of extending flight of stairs from Sunset Hill path to Centre street, Roslindale.

Severally passed under suspension of the rule.

#### SHOWER BATHS IN SCHOOL YARDS.

Coun. CHASE offered the following:

Ordered, That the Boston School Committee be requested, through his Honor the Mayor, to install shower bath facilities in the various Boston school yards now being used as playgrounds, as a W. P. A. project.

Passed under suspension of the rule.

**RENTAL CHARGED FAMILIES IN HOUSING AREAS.**

Coun. CHASE, for Coun. Wilson, offered the following:

Whereas, It is reported that the Boston Housing Authority proposed to make no rental charge to property owners in new housing areas who sign options for sale on the Housing Authority terms, but do not intend to collect rentals from property owners who retain their right to insist on court determination of the value of their property; and

Whereas, The chairman of the Boston Housing Authority, as recently as June 23, has estimated it will take at least fifty more days for more than 750 families still occupying condemned dwellings in Charlestown, South Boston, and Roxbury housing sites to find new homes; therefore be it

Ordered, That unless or until it can be shown by the Housing Authority that dwelling accommodations are reasonably available, the said Housing Authority be requested, through his Honor the Mayor, not to charge rental to families in the proposed housing areas even for the purpose of exerting pressure on resident property owners to dispse of their homes at figures less than such property owners consider fair and equitable.

Whereas, The Boston Housing Authority is about to begin demolishing some 460 buildings taken by eminent domain proceedings in the Charlestown area and some 200 buildings in the Mission Hill area of Roxbury; and

Whereas, There appears to be an outstanding difference of \$519,790 between the reported low bid of \$73,210 and the high bid of \$593,000; and

Whereas, The low bid is by a Cleveland, Ohio, concern, while the higher bids are all by local concerns; and

Whereas, Only two of the local concerns bid on both the Charlestown and Mission Hill jobs, while two of the local concerns bid only on the Mission Hill project; therefore be it

Ordered, That his Honor the Mayor be requested to investigate the obvious possibility of collusion in the matter of bids made by said local concerns.

Ordered, That his Honor the Mayor be requested to advise the City Council whether the Boston Housing Authority, in accordance with chapter 484, section 26EE, of the Acts of 1938, did in January, 1939, make a financial report to the City of Boston; and, if not, be it further

Ordered, That his Honor the Mayor be requested to obtain such a report from the Boston Housing Authority and furnish a copy of same to the City Council.

Severally referred to the Executive Committee.

**PLEBISCITE ON STATE LOTTERY.**

Coun. KELLY offered the following:

Ordered, That the Committee on Rules meet in regard to resolution of Coun. Kelly in regard to opposing various "soak-the-poor taxes," and to suggest that his Excellency the Governor conduct a plebiscite in order that the people might determine if the citizens of Massachusetts prefer a state-supervised lottery as a substitute for these taxes, and report back at the next meeting of the City Council.

The order was passed under suspension of the rule.

**WARD 13 IMPROVEMENTS.**

Coun. HUTCHINSON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install electric street lights at the following locations in Ward 13:

Sargent street, corner of Hartford street; Sargent street, corner of Howard avenue; middle of Sargent street.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Woodcliff street, at the Cunningham street end, Ward 13, as a public highway, under the W. P. A. plan of construction.

Severally passed under suspension of the rule.

**CLEANING OF STREETS.**

Coun. HUTCHINSON, for Coun. Kerrigan, offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to put on a crew of men to immediately clean all the streets of the city, in view of numerous complaints and due to the fact that in several sections the Paving Department forces are used in cleaning streets and cannot be spared for this work during the summer season, when their services are utilized on street and sidewalk repairs and construction.

Passed under suspension of the rule.

**BRONZE RADIOTONE OF COUNCILOR HARRIS.**

Coun. GALVIN and IRWIN offered the following:

Ordered, That the members of the Boston City Council be requested to consider the advisability of procuring a bronze radiotone of the portrait of City Councilor Mildred M. Harris, the first woman ever to serve in the City Council, and that said imperishable portrait be hung with the portraits of the former Presidents of the City Council, in the City Council Chamber.

Coun. IRWIN—Mr. President, when any member of this Body attains the presidency of the Council that fact is recognized by the fellow members by having his portrait made and hung in the Council Chamber. Now, although Mrs. Harris has never aspired to that office, I think the fact that she is an outstanding woman in the City of Boston and has achieved a higher position than any person who has been elected to the presidency of this Council, due to the fact that she is the only woman who was ever elected to this Body, I think it is only fair that we should recognize that fact by hanging her portrait with those of the presidents.

The order was referred to the Executive Committee.

**BUTTER DISTRIBUTED BY FEDERAL SURPLUS COMMODITIES DIVISION.**

Coun. ENGLERT, for Coun. Carey, offered the following:

Ordered, That the Health Commissioner be requested, through his Honor the Mayor, to confer with the local officials of the Federal Surplus Commodities Division relative to complaints concerning the rancid condition of butter now being distributed at various commodity stations in Boston.

Passed under suspension of the rule.

**FIVE-CENT ELEVATED FARES.**

Coun. ENGLERT, for Coun. Carey, offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to remove their restrictions prohibiting the privilege of a five-cent fare to children between the ages

of five and fourteen years during the hours of 7.30 to 9 a. m. and 4.30 to 6 p. m., and to afford the use of the five-cent fare to these children at any hour of the day during the summer months.

Passed under suspension of the rule.

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RETIREMENT OF PATRICK ROGERS.

Coun. ENGLERT, for Coun. Carey, offered the following:

Ordered, That the Retirement Board for Laborers be hereby authorized and requested to retire, under the provisions of chapter 765 of the Acts of 1914, as amended by chapter

63 of the Special Acts of 1915, Patrick Rogers, employed in the labor service of the City of Boston in the Hospital Department.

Passed under suspension of the rule.

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THE NEXT MEETING.

On motion of Coun. GALVIN, the Council voted that when it adjourns it be to meet on Monday, July 10, at 2 p. m.

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Adjourned, on motion of Coun. HARRIS, at 4.37 p. m., to meet on Monday, July 10, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, July 10, 1939.

Regular meeting of the City Council at Faneuil Hall, at 2 p. m., President MURRAY in the chair. Absent, Coun. Shattuck, Norton.

## JURORS DRAWN.

Jurors were drawn (Coun. TAYLOR presiding at the box with the PRESIDENT, in the absence of his Honor the Mayor) as follows:

Five additional grand jurors, Superior Criminal Court, to appear August 7, 1939:

Edward A. Brewster, Ward 3; Walter Kane, Ward 12; Harry Forman, Ward 14; Walter A. Johnson, Ward 19; Cleon B. Leach, Ward 20.

Sixty-three traverse jurors, Superior Criminal Court, to appear August 7, 1939:

Joseph E. Forgione, Ward 1; Thomas A. Hughes, Ward 1; Carlo Stasio, Ward 1; John J. Hurley, Ward 2; Charles R. Sullivan, Ward 2; Arthur D. Aiken, Ward 3; Benjamin Rebinovitz, Ward 3; Archie Herbert Silver, Ward 3; Theodore H. Bell, Ward 4; Herbert C. Pratt, Ward 4; Clarence R. Watling, Ward 4; John Hill, Ward 5; William L. McGowan, Ward 5; Morton P. Prince, Ward 5; James Martell, Ward 6; Bernard J. O'Donnell, Ward 6; John J. Garvey, Ward 7; Joseph P. Donovan, Ward 8; Arthur C. Ellis, Ward 8; Anthony F. Jacobs, Ward 8; Francis E. Moberg, Ward 8; Allen G. Smith, Ward 8; Bernard A. Newcomb, Ward 9; Henry M. Glennon, Ward 10; Eugene P. Glynn, Ward 10; George L. Huber, Ward 10; William Keegan, Ward 11; Warren A. McPherson, Ward 11; Myron Berlow, Ward 12; Paul L. Broadnax, Ward 12; Walter Levine, Ward 12; James M. Carroll, Ward 13; Joseph F. Doherty, Ward 13; Theodore J. Fottler, Ward 13; Cornelius J. Sullivan, Ward 13; Max Fox, Ward 14; Norman Swartz, Ward 14; Richard J. Garvey, Ward 15; James I. Barnie, Ward 16; Thomas F. Joyce, Ward 16; John J. O'Connell, Ward 16; Patrick J. Barnes, Ward 17; Dougall J. Gillis, Ward 17; Orlando S. Griffen, Ward 17; John J. Griffin, Jr., Ward 17; John P. Kadlee, Jr., Ward 17; James W. McGuire, Ward 17; James H. Henderson, Ward 18; John F. Schramm, Ward 18; Richard M. Schultz, Ward 18; Thomas W. Smith, Ward 18; Ralph E. Tinkham, Ward 18; George L. Ammidown, Ward 20; Hans W. Christensen, Ward 20; Wilson Pittman, Ward 20; Cedric Campbell, Ward 21; Jacob M. Cohen, Ward 21; Harold G. Dubrow, Ward 21; Herbert G. Mackay, Ward 21; Myron Sherman, Ward 21; Cornelius J. Connell, Ward 22; William H. Purdy, Ward 22; Joseph Ring, Ward 22.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighers of Goods: John H. Ratigan, 22 Lane park, Brighton, Mass.; Gerald F. Shea, 248 Neponset avenue, Dorchester, Mass.

Laid over to the next meeting under the law.

## RESURFACING OF BROOKDALE STREET.

The following was received:

City of Boston,

Office of the Mayor, July 7, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to

your order of June 5, 1939, concerning the resurfacing with smooth pavement Brookdale street, Ward 19, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department, June 30, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Brookdale street, Ward 19, under the W. P. A. plan of construction.

Please be advised that the above-named street is on an approved W. P. A. project for construction this year.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## SIDEWALKS ON DOVE AND JEROME STREETS.

The following was received:

City of Boston,

Office of the Mayor, July 7, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of April 24, 1939, concerning the installation of sidewalks on the following streets in Ward 13, under the W. P. A. plan of construction: Dove street, Jerome street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department, June 23, 1939.  
Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works install sidewalks on the following streets in Ward 13, under the W. P. A. plan of construction: Dove street, Jerome street.

A canvass of these two streets has been made of the abutting owners and there seems to be no particular desire on the part of the abutting owners for the installation of artificial stone sidewalks at this time.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## SHUTTLE LINE—NORTH AND SOUTH STATIONS.

The following was received:

City of Boston,

Office of the Mayor, July 7, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Elevated Railway President and General Manager relative to your order of June 5, 1939, concerning the advisability of the operation of a shuttle line between the North and South Stations, during the summer months, the schedule for same to be so arranged that the trains will connect with outgoing and incoming boats of the Nantasket Steamship Line at Rowes Wharf.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,

June 15, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—Consideration has been given by the trustees to request of the City Council for the operation of shuttle train service between the North and South Stations during the

summer months, but it would not be feasible to do so, inasmuch as train service on the Atlantic avenue elevated structure has been entirely discontinued and some station equipment removed.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

#### ARC LIGHT AT BODWELL STREET AND BAKER AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, July 7, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 5, 1939, concerning the installation of an arc light at the corner of Bodwell street and Baker avenue, Ward 15.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, June 26, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works install an arc light at the corner of Bodwell street and Baker avenue, Ward 15.

This section is strictly residential, is now lighted with gas lamps, and I fail to see any justification for the installation of a large electric lamp as requested.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### STATUS OF PETITION IN LAND COURT RE YOUNG'S HOTEL.

The following was received:

City of Boston,  
Office of the Mayor, July 7, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of June 5, 1939, concerning the status of petitions filed in the Land Court as long ago as September 2, 1936, to enforce the tax titles held by the city on the so-called Young's Hotel property, originally covering taxes for the year 1932 in the sum of \$32,826.37, which were disposed of by the city in tax sale held as long ago as August 28, 1934.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, June 27, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor—The following order, passed by the City Council on June 5, 1939, on motion of Councillor Wilson, has been forwarded to me for attention:

"Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to advise the City Council at once concerning the status of petitions filed in the Land Court as long ago as September 2, 1936, to enforce the tax titles held by the city on the so-called Young's Hotel property, originally covering taxes for the year 1932 in the sum of \$32,826.37, which were disposed of by the city in tax sale held as long ago as August 28, 1934."

On December 14 the councillor wrote me inquiring as to the then status of the so-called Young's Hotel property and under date of December 20 I replied, giving the councillor the information which is again requested. There has been no change in the situation

since that time. The pertinent portion of said letter is repeated herewith,—

"On checking the records of the Law Department, I find that petitions to enforce the tax titles held by the city on the Young's Hotel property were filed September 2, 1936, and are now pending in the Land Court. The tax titles covered by these petitions are for the year 1932, and amount to \$19,490.87 on 9 Court square and \$13,335.50 on 22 Court street. The sale took place August 28, 1934, and you will notice that the city filed its petitions in the Land Court only a few days over the two-year period thereafter.

"During 1935, and particularly during the years 1937 and 1938, substantial sums of money have been received by the city by way of rental and have been credited to outstanding taxes. Under the present agreement between the city and the owners of the property the city pays \$5,000 a month for rental of these premises for the use of the courts, the city being required under the General Laws to provide quarters for the courts of Suffolk County. All of the amount so paid is at once credited to the taxes in the discretion of the collector. In order to preserve intact the tax liens of the city for 1932 no payments so received have been credited to 1932 taxes but for the years 1933 through 1936 the sums so credited have practically eliminated the amount due the city for those years.

"Under the circumstances the city appears to be as well protected as is possible under the tax deed it holds for 1932 tax sale. The Land Court would not look with favor on an attempt to force foreclosure on any property upon which such substantial amounts are being paid against taxes."

To summarize, with reference to 9 Court square, taxes assessed in the years 1932-1938, inclusive, total \$125,065.17, against which \$79,814 has been paid on account. With reference to 22 Court street, taxes assessed for the years 1932-1938, inclusive, total \$17,312.17, against which has been paid the sum of \$53,560.67.

Under the circumstances, where such substantial payments have been made, the Land Court would certainly not grant any decree of foreclosure. Whenever the situation changes, however, and if payments on account of taxes should cease or be substantially diminished, the Law Department is, of course, prepared to press for a decree of foreclosure.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

#### AUTOMOBILES IN FRANKLIN PARK.

The following was received:

City of Boston,  
Office of the Mayor, July 7, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of June 5, 1939, concerning the placing of signs at Franklin Park prohibiting automobiles from entering the park, and thereby eliminating the possibility of accidents and injury to women and small children walking through the park.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, June 12, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have a memorandum of June 9, with inclosure, order from the City Council that signs be placed prohibiting automobiles from entering Franklin Park.

Please be assured this matter will be attended to at once.

Very respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file

**RESURFACING OF WOODWARD PARK AND INGLESIDE STREETS.**

The following was received:

City of Boston,  
Office of the Mayor, July 7, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 5, 1939, concerning the resurfacing of the following streets in Ward 13, under the W. P. A. plan of construction: Woodward Park street, Ingleside street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, June 23, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface the following streets in Ward 13, under the W. P. A. plan of construction: Woodward Park street, Ingleside street.

In regard to the resurfacing of Woodward Park street, please be advised that this street will be submitted on a W. P. A. project for construction some time during the next year. Due to the large number of streets which are on approved projects for construction, it will not be possible to have this street constructed this year.

Regarding Ingleside street, this will advise you that this street is on an approved W. P. A. project for construction this year.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**SIDEWALK ON MAY STREET.**

The following was received:

City of Boston,  
Office of the Mayor, July 7, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 1, 1939, concerning the making of a sidewalk along the right-hand side of May street, from Centre street to Pond street, Ward 19, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, June 23, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works make a sidewalk along the right-hand side of May street, from Centre to Pond streets, Ward 19, under the W. P. A. type of construction.

A canvass of this street has been made of the abutting owners and there seems to be no particular desire on the part of the abutting owners for the installation of artificial stone sidewalks at this time.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**SIDEWALKS—VARIOUS STREETS, WARD 20.**

The following was received:

City of Boston,  
Office of the Mayor, July 7, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 22, 1939, concerning the installation of sidewalks on the following streets in Ward 20, under the W. P. A. plan

of construction: Linnet street, Oriole street, Vermont street, Bellevue street, March avenue.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, July 6, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works install sidewalks on the following streets in Ward 20, under the W. P. A. plan of construction: Linnet street, Oriole street, Vermont street, Bellevue street, March avenue, Wren street.

A canvass of the above streets, with the exception of Wren street, has been made and there seems to be no particular desire on the part of the abutting owners for the installation of artificial stone sidewalks at this time.

Tar sidewalks have been constructed on Wren street except for the portion between Martin and Robin streets, and these sidewalks will be graded in the very near future.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**EXTENSION OF BUS LINE BETWEEN FRANKLIN PARK AND CARSON BEACH.**

The following was received:

City of Boston,  
Office of the Mayor, July 7, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Elevated Railway President and General Manager relative to your order of June 5, 1939, concerning the extension of the route of the bus line which is operated during the summer months from Franklin Park Station to Carson Beach, so that it will run from the junction of Morton street and Blue Hill avenue to Franklin Park Station and then over the usual route, on a five-cent fare.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
June 13, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Sir,—Replying to your letter of June 10, the trustees have previously considered requests of the City Council for extension to Morton street of the bus service operated during the summer months between Franklin Park and Carson Beach, but in view of the existing service and the fact that an extension of the bus line would add to the deficit, they do not feel that under present circumstances it can be justified.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

**SIDEWALKS ON CHESTNUT AVENUE.**

The following was received:

City of Boston,  
Office of the Mayor, July 7, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 5, 1939, concerning the installation of sidewalks on Chestnut avenue, both sides, from Green street to Forbes street, Ward 19, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, July 5, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of

Public Works install sidewalks on Chestnut avenue, both sides, from Green street to Forbes street, Ward 19, under the W. P. A. plan of construction.

A canvass of this street has been made and there seems to be no particular desire on the part of the abutting owners for the installation of artificial stone sidewalks at this time.

Very truly yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

#### SIDEWALKS ON SUMMER STREET, WARD 20.

The following was received:

City of Boston,  
 Office of the Mayor, July 7, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 5, 1939, concerning the installation of sidewalks on both sides of the accepted portion of Summer street, Ward 20, under the W. P. A. plan of construction.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department, July 6, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works install W. P. A. sidewalks on both sides of the accepted portion of Summer street, Ward 20.

A canvass of this street has been made of the abutting owners and there seems to be no particular desire on the part of the abutting owners for the installation of artificial stone sidewalks at this time.

Very truly yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

#### RESURFACING OF PAUL GORE STREET.

The following was received:

City of Boston,  
 Office of the Mayor, July 7, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 12, 1939, concerning the resurfacing of Paul Gore street, Ward 19, under the W. P. A. plan of construction.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department, June 30, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface Paul Gore street, Ward 19, under the W. P. A. plan of construction.

I have had an inspection made of this street and find that same is in fairly good condition and in no immediate need of resurfacing at this time.

Very truly yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

#### FENCE ON FRANKLIN FIELD.

The following was received:

City of Boston,  
 Office of the Mayor, July 7, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of June 5, 1939, concerning the

erection of a fence or some other ornamental decoration on Franklin Field, adjoining the baseball grandstand, in order that the view of the cemetery might be eliminated.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Park Department, June 12, 1939.  
 Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Sir,—I have a memorandum of June 9, with inclosure, order from the City Council requesting the erection of a fence or some other ornamental decoration on Franklin Field, in order that the view of the cemetery might be eliminated.

Please be assured a study will be made of this request at the earliest opportunity.

Very respectfully yours,  
 WILLIAM P. LONG, Chairman.

Placed on file.

#### ARC LIGHT, BLAKEMORE STREET.

The following was received:

City of Boston,  
 Office of the Mayor, July 7, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 22, 1939, concerning the installation of an arc light on Blakemore street, Ward 19, on the railroad bridge.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department, June 26, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works install an arc light on Blakemore street, Ward 19, on the railroad bridge.

Please be advised that I will direct that a large electric lamp be installed on the north side of the easterly bridge approach.

Respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

#### SATURDAYS OFF FOR HOSPITAL CLERKS.

The following was received:

City of Boston,  
 Office of the Mayor, July 7, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Boston City Hospital Superintendent relative to your order of June 5, 1939, concerning the inclusion of clerical workers in the order issued permitting a number of Saturday mornings off, during the summer months, for all hut necessary skeleton crews.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Hospital Department, June 13, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—In reply to your inquiry of June 10, to which you attached a copy of an order passed in City Council on June 5, 1939, as sponsored by Councilors Wilson and Kelly, in regard to the clerical workers at the Boston City Hospital, would advise that a schedule is being outlined whereby the clerical workers will be given every other Saturday morning off during the summer months.

Because of the number of clinics which can only be covered by a clerk being physically present, we cannot reduce our work to a point where skeleton crews can cover the work, especially in the Out-Patient Depart-



ment, but we do expect to arrange a schedule whereby these clinics will be kept open and the workers will receive every second Saturday off.

Yours sincerely,  
 JAMES W. MANARY, M. D.,  
 Superintendent.

Placed on file.

**ELECTRIC FANS IN SUBWAY TRAINS.**

The following was received:

City of Boston,  
 Office of the Mayor, July 7, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Elevated Railway President and General Manager relative to your order of June 12, 1939, concerning the installation of electric fans in the subway trains for use during the summer months to provide added comfort for the passengers, in view of the fact that the same service is being rendered to commuters in other large cities of the country where subway service is in operation.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

—  
 Boston Elevated Railway,  
 June 22, 1939.

Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Sir,—Referring to your letter of June 19 with order of the City Council, consideration has been given to previous requests of the Council for installation of electric fans in cars, the last one being in 1937, and applying to both surface and rapid transit cars. The estimated cost at that time for installation of fans in all cars was approximately \$450,000, and the annual maintenance cost was estimated at approximately \$70,000.

The order which you now forward to us applies to installation of fans only in rapid transit trains and the cost of such installations would be in excess of \$125,000. The problem is one of weighing the relative advantages during a short period of the year against the cost involved, and under present conditions we do not feel that the advantages would justify the cost.

Very truly yours,  
 EDWARD DANA,  
 President and General Manager.

Placed on file.

**PLAYGROUND AT LAMARTINE AND GREEN STREETS.**

The following was received:

City of Boston,  
 Office of the Mayor, July 7, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of June 12, 1939, concerning the advisability of establishing a playground on the vacant land at the corner of Lamartine and Green streets, Ward 19.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

—  
 City of Boston,  
 Park Department, June 21, 1939.  
 Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Sir,—I have a memorandum from your office with inclosure, order from the City Council that the Park Commission be requested to consider the advisability of establishing a playground on the vacant land at the corner of Lamartine and Green streets, Ward 19.

This suggestion has been brought up in this department a number of times, both by the former councillor of the district and Councillor Langan. Councillor Langan has also spoken to me about it personally.

The land in question is on the old Brewer estate, and is not large enough except for a neighborhood playground. If the financial con-

dition of the city were such that we could purchase this land, I would be very glad to recommend it for a neighborhood playground for the use of mothers and children only. But under our present financial conditions, I regret exceedingly I consider it very inadvisable to purchase any land for playground purposes.

Respectfully yours,  
 WILLIAM P. LONG, Chairman.

Placed on file.

**RESURFACING ASHLAND STREET.**

The following was received:

City of Boston,  
 Office of the Mayor, July 7, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 5, 1939, concerning the resurfacing with smooth paving Ashland street, Ward 3, under the W. P. A. type of construction.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

—  
 City of Boston,  
 Public Works Department, June 16, 1939.  
 Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Ashland street, Ward 3, under the W. P. A. type of construction.

I find, upon investigation, that this street is in good condition and in no immediate need of reconstruction.

Very truly yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

**TRAFFIC LIGHTS, CENTRE STREET.**

The following was received:

City of Boston,  
 Office of the Mayor, July 7, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of June 5, 1939, concerning the installation of traffic lights on Centre street, in front of the Faulkner Hospital, and on Centre street, at Louder's lane, Ward 19.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

—  
 City of Boston,  
 Boston Traffic Commission,  
 June 14, 1939.  
 Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated June 5, 1939, which reads as follows:

"Ordered, That the Traffic Commission, through his Honor the Mayor, be requested to install traffic lights on the following locations in Ward 19: On Centre street, in front of the Faulkner Hospital; on Centre street, at Louder's lane."

I regret to state that there are no funds available at the present time for the installation of these traffic lights.

Respectfully yours,  
 WILLIAM P. HICKEY, Commissioner.

Placed on file.

**PLAYGROUND, BOWDOIN SCHOOL YARD.**

The following was received:

City of Boston,  
 Office of the Mayor, July 7, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Boston School Committee Secretary relative to your order of June 5, 1939, concerning the keeping open of the yard of the Bowdoin

School on Myrtle street after school hours and during the summer vacation period as a playground for the young children of the district.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, June 15, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council on June 5, 1939, the following order was passed:

“Ordered, That the School Committee be requested, through his Honor the Mayor, to consider the advisability of keeping the yard of the Bowdoin School on Myrtle street open after school hours and during the summer vacation period as a playground for the young children of the district.”

The School Committee respectfully reports that the play space on Myrtle street, opposite the Bowdoin School building, is open on week days up to five o'clock p. m., and it is planned to continue this arrangement for the summer vacation period. The five o'clock closing hour was agreed upon to meet the wishes of the people living in the immediate vicinity.

In order to afford the small children of the neighborhood protection with full opportunity

for play, the School Committee now is planning to have a small entrance, three feet in height, cut into the fence so that these small children may enter and leave the playground after the gates are closed. It is felt that limiting the height to three feet will exclude the older children of the neighborhood who have constituted a considerable annoyance in that section.

Respectfully yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

PROPERTY OF EASTERN MASSACHUSETTS STREET RAILWAY IN BOSTON.

The following was received:

City of Boston,  
Office of the Mayor, July 7, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Principal Assessor of the Board of Assessors relative to your order of June 12, 1939, concerning the amount of personal property and real estate held and owned by the Eastern Massachusetts Railroad in Boston.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Assessing Department, June 22, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—Replying to the City Council order passed June 12, 1939, relative to the amount of personal property and real estate held and owned by the Eastern Massachusetts Railroad in Boston, the following is the information requested:

YEAR.	Owner and Location.	Total Valuation.	Area, Square Feet.	Valuation Land.	Valuation Building.	Per Square Foot.
1936	Eastern Massachusetts Street Railway Company: Blackstone street, easterly corner Crossstreet, southwesterly corner Endicott street.	\$43,500	2,563	\$43,500	.....	\$17 00
	175-183 Blackstone street,	125,000	4,348	73,900	\$51,100	
1937	175-183 Blackstone street, easterly corner Cross street and southwesterly corner Endicott street.	252,000	6,911	152,000	100,000	22 00
1938	175-183 Blackstone street, easterly corner Cross street and southwesterly corner Endicott street.	279,000	7,022	154,000	125,000	22 00

Yours very truly,

BOARD OF ASSESSORS,  
By JOHN C. L. DOWLING,  
Principal Assessor,  
In Charge of Administration.

Placed on file.

AMERICAN LEGION HIGHWAY GRASS PLOT.

The following was received:

City of Boston,  
Office of the Mayor, July 7, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of May 15, 1939, concerning men regularly being assigned to keep the grass plot in the center of the American Legion Highway in perfect condition in order to prevent the growth of ragweed which is detrimental to the health and particularly to those persons who are subject to hay fever and asthma and also in view of its close proximity to the State Institution.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, June 9, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works have men regularly assigned to keep the grass plot in the center of the American Legion Highway in perfect condition in order to prevent the growth of ragweed which is detrimental to the health and particularly to those persons who are subject to hay fever and asthma and also in view of its close proximity to the State Institution.

Please be advised that this department has men regularly assigned to this location to keep the grass cut and in good condition.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

American Electric Supply Company, for compensation for damage to property at 1032 and 1034 Tremont street, caused by stoppage in sewer.

Wilbert D. Appleton, for compensation for damage to car by city truck.

Back Bay Chevrolet, Inc., for refund on second-hand motor vehicles license.

Nathan Burokoff, for compensation for damage to car by city truck.

Carlo Cataldo, for refund on pedler's license.

Roslyn G. Cohen, for compensation for injuries caused by an alleged defect in Solomon Lewenberg School.

Mario DeChellis, for compensation for loss of sweater while a patient at City Hospital.

Joseph DeLeo, for compensation for damage to property by city car.

Lena DiBlasi, for compensation for damage to property at 9 Norman street, caused by blocking of sewer.

Rita E. Drady, for compensation for injuries caused by an alleged defect in Edgerly road.

Wilfred and Margaret M. Green, for compensation for injuries caused by an alleged defect in Playstead road.

Huckins Company, Inc., for compensation for damage to car caused by defective manhole cover on Commercial street.

Margaret M. Keane, for compensation for damage to property at 147 Elmer road, caused by water in cellar.

Massachusetts Wharf Coal Company, for compensation for damage to truck by city truck.

Anne W. McCormack, for compensation for injuries caused by an alleged defect at 605 Broadway.

Daniel L. O'Meara, Jr., for refund on used car license.

Josephine O'Neil, for compensation for collapse of water boiler caused by water hydrant being struck.

Delia A. Sullivan, to be reimbursed for collapse of water boiler at 65 Bigelow street.

Superior Petroleum Products Company, for compensation for damage to light post caused by city truck.

Mrs. J. Yuchnewich, for compensation for collapse of water boiler at 64 Weybosset street.

Otto E. Zaugg, for compensation for damage to car caused by explosion of manhole.

Committee on Ordinances.

A petition was received from Karas & Karas Glass Company for driveway opening at 455 Dorchester avenue.

A petition was received from Z. D'Aloia for driveway opening at Eastern avenue.

Executive.

Petition of Gertrude G. Welch, to be paid an annuity on account of the death of William T. Welch, late member of the Police Department.

CONSTABLE'S BOND.

The constable's bond of Samuel Goldkrand having been duly approved by the City Treasurer was received and approved.

REPORT ON ATLANTIC AVENUE STRUCTURE OF BOSTON ELEVATED RAILWAY COMPANY.

The third and fourth reports of the Boston Finance Commission were received, viz.:

City of Boston,

Finance Commission, June 27, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Honorable Sir,—The Finance Commission respectfully suggests to your Honor that it

seems the time has come to take the people into your confidence in regard to the pending negotiations with the directors of the Boston Elevated Railway Company over the matter of the Atlantic avenue elevated structure.

Are the directors of the Boston Elevated—the guardians of the interests of the common stockholders—trying to compel the City of Boston to pay a gratuity in any form for the right to take down the elevated structure on Atlantic avenue?

Or is the unofficial spokesman for the Railway Company correct when he publicly tries to give impression that the idea that Boston is now being asked to pay the Elevated anything is a myth invented by the Finance Commission?

City officials privately have informed representatives of the Finance Commission that the attitude of the Elevated directors in the negotiations is that they must be paid, if the structure is demolished. First, it was payment in one form and now it is payment in another form; but according to official advices privately given, it is payment nevertheless.

The only legislation bearing on the subject now awaiting action is a bill introduced by the Corporation Counsel to authorize payment. It was since these negotiations with the directors began that the Corporation Counsel inserted in this bill the figure of \$100,000 as the price to be paid.

In the last week the talk of paying a flat sum, as the Corporation Counsel's bill directed, has abated. Whether the recent action of the Finance Commission has had anything to do with it or not is immaterial. Present information is that the gratuity now talked of is an agreement to be effective at the expiration of the present lease of the Washington Street Subway. According to this agreement, the rental of the Washington Street Subway will be cut approximately in half and for that gratuity the city may take down the elevated structure on Atlantic avenue.

The Finance Commission authorized its secretary to obtain information from the Corporation Counsel as to the basis of the pending negotiations. The commission reluctantly accepted a memorandum from the Corporation Counsel instead of a personal appearance to explain the situation.

However, the commission has the memorandum and in it the Corporation Counsel argued that the city is forced either to bargain with the directors or to take by eminent domain and pay as a jury awards. The Corporation Counsel argued that the police power of the Commonwealth to order the structure down as a menace does not apply.

The Finance Commission disagrees with this interpretation of the situation. The commission has already quoted the opinion of Attorney-General Attwill to the effect that the Legislature has the right to order the Elevated Trustees to take down the structure since its use has been discontinued by the Public Trustees, and it stands a menace to public convenience in a public way. Under the 1918 act which gave public control, the directors or stockholders have been superseded by the Public Trustees and the decision of the Public Trustees to discontinue does not need the approbation of the directors.

The commission now offers a more clinching opinion. It happens to have been rendered by the Supreme Court of Massachusetts and record of it may be found in 261 Mass. at pages 541, 552 and 553. The following citations of the Supreme Judicial Court of Massachusetts show the construction placed upon control of said company by the trustees; also the police power of the Commonwealth with respect to the Elevated.

Opinion of Justices of Supreme Judicial Court, 261 Mass. 523:

Provision was made by said c. 159 (of 1918) for the public operation through a board of trustees, appointed by the Governor, of the Boston Elevated Railway Company for a period of ten years and thereafter until such time as the Commonwealth shall

elect to discontinue public management. That statute was in substance and effect a lease of the property of the railway company to the Commonwealth upon the terms therein specified. (Page 541.)

When the Legislature makes contracts of that nature, they are binding upon the Commonwealth, and cannot by act of the Legislature alone be revoked or amended. (Page 552.)

By way of precaution it may be added, that neither the contract nor the due process clauses of the Constitution of the United States, nor any provisions of the Constitution of this Commonwealth, prevent or narrow the exercise of the police power. They do not have "the effect of overriding the power of the State to establish all regulations that are reasonably necessary to secure the health, safety, good order, comfort, or general welfare of the community; this power can neither be abdicated nor bargained away, and is inalienable even by express grant. And all contract and property rights are held subject to its fair exercise." (Page 553.)

In view of this opinion the commission desires to point out that no gratuity is necessary from the City of Boston for the demolition of the Atlantic avenue structure; also to question the legality and expediency of any agreement made now by the City of Boston that will bind some future government in the matter of the rental to be paid by the Boston Elevated Railway Company for the Washington Street Tunnel.

The present lease of the Washington Street Tunnel has many years to run, and the terms of a new lease should be left to the government in office at the time of expiration of the present one.

By the terms of the agreement now the subject of negotiations, according to official report privately given, the city would lower the rental of the Washington Street Tunnel by approximately \$150,000 per year in return for the unnecessary approbation of the directors of the Boston Elevated Railway Company to the demolition of the Atlantic avenue structure. This is an even greater gratuity to the Boston Elevated Railway Company than the flat sum payment of \$100,000 originally suggested by the Corporation Counsel.

The Finance Commission respectfully urges your Honor to make a public statement of the present state of the negotiations.

Respectfully submitted,

DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCOLPONETTI,  
JAMES H. FLANAGAN,  
The Finance Commission.

Placed on file.

City of Boston,

Finance Commission, June 29, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Honorable Sir,—The Finance Commission desires to express the hope that you will not be influenced by the personally abusive note which the Corporation Counsel has injected into the public discussion by the Finance Commission of the situation in regard to the Atlantic avenue elevated structure.

This is a matter of the greatest interest to the taxpayers of Boston. It is also of great interest to the taxpayers of the fourteen cities and towns in the Metropolitan Transit District who are now compelled to contribute approximately \$3,000,000 per year so that the stockholders of the Boston Elevated Railway Company may be paid a 5 per cent dividend on stock in a company which cannot meet its running expenses.

It, therefore, is the business of the Finance Commission to watch and discuss anything and everything that relates to the affairs of this company as well as to the City of Boston.

Undoubtedly, you are more familiar with the charter of the City of Boston than is

your Corporation Counsel and you know that these Atlantic avenue elevated negotiations are the business of the Finance Commission. According to one plan suggested, \$100,000 of the taxpayers' money would be paid unnecessarily and unjustifiably to the Boston Elevated Railway Company. According to another plan proposed, the taxpayers would be penalized a sum in excess of \$150,000 per year unnecessarily and unjustifiably.

The Finance Commission challenges denial of a fact stated by the Finance Commission in its reports in regard to the Atlantic avenue elevated structure. It also challenges the Corporation Counsel's interpretation of the legal situation in respect to the structure.

Announcement is now made that the Corporation Counsel will ask the Ways and Means Committee of the Legislature to obtain an opinion from the Attorney-General as to whether or not the Legislature can compel the Boston Elevated Railway Company to demolish the Atlantic avenue elevated structure. This seems a foolish waste of effort, since the Corporation Counsel has already rejected the opinion of Attorney-General Attwill who—the Finance Commission has found—was recognized as more expert in the affairs of the Boston Elevated Railway Company than any other man.

Going beyond even the Attwill opinion, the Finance Commission cited an opinion by the Supreme Judicial Court on the subject. This, in effect, holds that in the exercise of its police power the Legislature can order the Atlantic avenue elevated structure demolished. In the face of this opinion, it is unreasonable of the Corporation Counsel to be so fearful of the result of any suit that the stockholders of the Boston Elevated Railway Company may bring.

The commission expresses the hope that you will continue to hold out against any plan proposed by either the Corporation Counsel or the Boston Elevated Railway Company directors whereby any "gratuity" is given the company for the demolition of the Atlantic avenue structure. The city, through its contributions to the company's treasury alone, has paid for the structure over and over.

Respectfully submitted,

DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCOLPONETTI,  
JAMES H. FLANAGAN,  
The Finance Commission

Placed on file.

## REPORT ON NEW SUFFOLK COUNTY COURT HOUSE.

The following was received:

City of Boston,

Finance Commission, July 7, 1939.  
To the Honorable the Mayor and City Council.

Some weeks ago the City Council adopted an order requesting the Finance Commission "to investigate the expenditures of the Court House Commission in the erection of the new Court House building." No suggestion or recommendation was made in the order, or in the talk in the Council which preceded the adoption of the order, of any particular feature of expenditure that needed investigation. No charge of irregularity of any kind was made.

There was, however, a lot of loose talk indulged in about the construction and the furnishings of the building at committee meetings and sometimes in Council sessions.

Several councilors seemed to have an idea that the county did not obtain finally all that was intended in the appropriation of the money for the project. Some thought an appropriation was made for an eighteen-story building and there seemed to be only a sixteen-story building in Pemberton square. Some thought there were too many clocks provided and some of them should figure in a trade to obtain electric fans. Others

thought there were too many lavatories; there were too many lights; the ventilation was poor, and so on and so forth.

Before requesting the Finance Commission to investigate, the Council had interviewed the Sheriff. The Sheriff had nothing to do with the construction of the building. He merely told of the difficulties he expected to encounter in the maintenance of the building, and the need for extra money to supply some furnishings for the many county officials quartered in the new structure. It appears that there was nothing that the Sheriff said of any difficulty in getting this building under way for public service that might not have been expected in any new building.

The Council Committee had interviewed a representative of the Law Department, but it was regarding the Finance Commission's right to investigate the Court House Commission. The committee also questioned a representative of the Finance Commission.

It appeared so plainly that the questioners were uninformed in regard to the work at the Court House that the suggestion was made that the Council interview the body which had responsibility and control—the Court House Commission. The chairman of that commission had stated to a representative of the Finance Commission that he was ready and willing to appear before the members of the Council at any time and to give them complete information.

Neither the Court House Commission nor the chairman was called before the Council. It appears, therefore, that some of the members of the Council desired merely to end the talk started by a few by the now familiar "request the Finance Commission to investigate."

The Finance Commission has inspected the building very carefully; has interviewed members of the Court House Commission; has consulted some others who are familiar with construction problems; and has interviewed many familiar with requirements in a court house and with the appointments of this one in particular.

The Finance Commission interviewed the Sheriff. He stated emphatically that he has no criticism whatever to make of the building. The commission invited members of the Council to appear and voice criticism. One, the sponsor of the Council order to investigate, responded. He stated he filed the order because of talk made before his committee and he merely was seeking information from an authoritative body. The Finance Commission finds no fault with his part in the matter.

#### Finance Commission's Opinion of the Finished Product.

As a result of its own inspection and the information obtained, the Finance Commission believes the county has obtained a building of which the taxpayers can be proud; structurally, it is doubtful that anything finer could be obtained for the amount of money spent upon it. In the layout and the furnishing of the courtrooms and offices, the Court House Commission used good taste; had an eye to future needs; and exercised great care in the expenditure of funds.

Every contract let by the commission was advertised, and award was made to the lowest bidder, except in one case. That was in making the physical connection between the old and the new building, which cost approximately \$25,000. The job was given to the general contractor for the whole building on a carefully checked estimate without advertising.

The Finance Commission believes the Court House Commission acted wisely in thus taking care of that part of their job. To advertise would have meant taking the chance of difficulties which might arise if rival contractors were at work at the same time in the same building. The general contractor had the advantage over others of having his plant, equipment and men, already on the job and was more familiar with the work than any other might be expected to be.

#### The Court House Commission and Its Work.

The Finance Commission offers a word about the make-up of the Court House Commission, the short space of time it had in which to get under way, and the precautions taken to ensure a good job.

The Legislature authorized the creation of a commission of three members, giving the right of appointment to the Governor, the Mayor and the Chief Justice of the Supreme Court. Under this authority a commission came into being which was ideally fitted for the job. Mayor Mansfield appointed A. Emmet Logue, a builder on a large scale for thirty years, and he became chairman. Governor Curley appointed Joseph A. Rourke, a construction engineer who had served the city well and faithfully in many capacities and finally as Public Works Commissioner. The Chief Justice of the Supreme Court appointed James A. Bailey, a lawyer of eminence, who has been connected for a great many years with the Boston Bar Association in executive capacity, and also served many years as chairman of the Metropolitan District Commission. To the members of this commission was given carte blanche to provide additional court house facilities at a cost not to exceed \$5,000,000. They were authorized to solve the problem before them in any way they decided to be best—by taking a new site and building thereon; or by razing the old court house and building anew on that site; or by adding to the old structure.

The commission had only a matter of a very short time (a number of days, not weeks or months) within which to select plans and prepare a sketch for presentation before the P. W. A. authorities in Washington as the basis for a substantial grant of funds to help meet the cost.

Naturally, the commission first made a division of the \$5,000,000 appropriation in accordance with its best judgment of what would be required to produce a completed and equipped building. It made apportionments for construction, for equipment and furnishings, for limited renovation of the old building, for temporary quarters for some court activities, for administration, etc. Because of the short time available to the commission to prepare the project for Federal approval and the lack of data, the commission was forced practically to make a quick guess of the amount that should be allotted for each unit of the whole job.

After hastily looking over possibilities, the commission decided to save the expense of land-taking, and to put the largest possible share of the funds available into the proposed building by razing a portion of the old structure and erecting an addition on the thus cleared site.

Two architectural firms had already prepared plans and sketches for an earlier commission. The plans of both were studied. One plan was rejected because it was believed the available funds were not sufficient to meet the construction cost. The other firms had two plans. One called for an eighteen-story structure, the other for a sixteen-story structure. It was decided to accept these tentatively.

Because there was doubt whether or not the amount available would permit construction of the eighteen-story plan, the commission advertised for bids for, first, the eighteen-story plan and then, as an alternative, for the sixteen-story plan.

It happened that only the prices bid for the sixteen-story plan came within the amount allotted for new construction. Therefore, the lowest bid on this plan was accepted and award made accordingly.

It may be seen, therefore, that the commission did not obtain funds or contract, as some councilors thought, to build an eighteen-story structure and produced instead a sixteen-story structure.

The commission was not called to organize until November 6, 1935. The project was completed in form for presentation to the Government for approval, and application made, on December 12, 1935.

For the proper supervision of the actual construction, the Court House Commission organized a staff of inspectors of a quality rarely found on one building. The Chief Clerk of the Works, C. A. Foster, is a graduate of Norwich University (Engineering School); was construction engineer for fourteen years with Coolidge, Shepley, Bulfinch & Abbott; and had been an examining engineer for the P. W. A. The Assistant Chief Clerk of Works, William Harris, is a graduate of Brown Engineering School, Massachusetts Institute of Technology, with many years experience as a heating and ventilating and electrical engineer. Another Assistant Clerk of the Works, detailed as masonry inspector, Charles Cleveland, is a practical bricklayer with fifteen years' experience with some of the largest building concerns. Another Assistant Clerk of the Works, Gustave Hagan, is a graduate of Massachusetts Institute of Technology, and has been connected as civil engineer with Coolidge, Shepley, Bulfinch & Abbott, also as a P. W. A. inspector and in private practice.

In addition to the above staff of commission inspectors and supervisors, the P. W. A. kept a staff on the job, consisting of C. W. Hull as chief, an architect in active practice for forty years, principally with Parker Thomas & Rice; Harry Swan, assistant to Hull, inspector of mechanical equipment and formerly connected for a long period with Densmore, LeClear & Robbins, architects and engineers; and Philip Craighead, assistant to Hull, who has done extensive work as a P. W. A. inspection engineer.

With these two staffs of supervisors, it would seem that the actual oversight of construction was in expert hands.

#### How the Cost was Shared.

The Federal P. W. A. grant for the project amounted to \$2,151,000. The City of Boston contributed \$1,994,300. The Commonwealth of Massachusetts contributed \$854,700. This made up the total of \$5,000,000 appropriated.

#### How the Money was Actually Used.

For administration expenses, the cost to June 1, 1939, has been \$195,299.81. To this will be added \$14,532.32, the commission's own estimate of administration expenses from June 1 to December 1, 1939, and \$1,850 for supplies, telephone, blue prints, etc., making a total of \$211,682.13. Of this total, \$110,000 will have been spent for rental of Young's Hotel. The expense of moving the Municipal Court will take an extra \$10,000. Since the original estimate for administration expenses was \$220,000, the commission will undoubtedly have kept within that figure.

The other expenditures of the commission as figured to June 1, with estimate added of what is yet to be paid out by present commitments, are as follows:

Advertising.....	\$931 70
Furnishing and filing bonds.....	463 50
Demolition .....	87,568 79
Substructure .....	244,502 90
Elevators—old building.....	91,452 20
Superstructure .....	3,687,000 00
Extras* .....	78,209 13
Metal furniture.....	63,360 60
Extras .....	3,803 58
Wood furniture.....	87,089 00
Extras .....	11,985 85
Chairs and couches.....	33,269 15
Extras .....	635 95
Kitchen equipment.....	2,832 00
Venetian blinds.....	4,148 00
Extras .....	46 64
Carpets and drapes.....	3,294 72
Toilet accessories.....	1,786 00
Engineering .....	330,184 38
Legal and administrative.....	372 68
	<u>\$4,732,936 77</u>

\*Extras: \$25,000 used for connection with old building.

The above figures account for \$4,732,936.77 of the appropriation, leaving a balance of \$47,063.23. This sum in large part will be used for alterations of the third floor of the old Court House to improve and renovate quarters for the Municipal Court. Another part will be used for furnishings for the Social Law Library in new quarters in the new building.

#### Comment on Particular Features.

There are four features of the Court House building which have caused some little comment. The first is the failure of the Municipal Court promptly to occupy the quarters provided for the Municipal Court in the new building. The second is the layout and equipment of the floor occupied by the judges of the Superior Court. The third is the layout and furnishings of the Supreme Judicial Court and the fourth is the facilities provided for the Social Law Library. The Finance Commission will make comment as a result of its investigation on these four features:

##### 1. Municipal Court.

The quarters occupied by the Municipal Court in the old building happened to be located in the portion which was razed to make way for the new unit. Therefore, it was necessary temporarily to set up the Municipal Court in outside quarters. These were found at the old Young's Hotel building. A lease was executed between the city and the owners by which the rental rate of the hotel would be \$5,000 per month and it was stipulated that, inasmuch as a sum running into hundreds of thousands of dollars was due in taxes on the property, the monthly rental would be charged off against the taxes due.

In so far as the Municipal Court is concerned, the Court House Commission could only find room in the new building for the criminal side. Suitable courtrooms have been provided and furnished. Suitable offices for the clerical work of the court have also been provided and furnished.

It was ready for occupancy in December, 1938. The former Chief Justice of the Municipal Court, Wilfred Bolster, refused to move any part of his court from the temporary quarters in Young's Hotel to the new Court House until ample quarters were provided for the whole court. Space in the old building has been allotted to the civil side of the court, but it is not yet ready for occupancy. A contract has been let for the necessary renovation. The present Chief Justice of the Municipal Court, F. Delano Putnam, has taken the same stand formerly taken by his predecessor, in that he is opposed to moving any part of the court until the whole court is ready.

The Sheriff has stated to the Finance Commission that if the criminal side of the court could be taken out of Young's Hotel and placed in the quarters provided for it and ready for occupancy in the new Court House, the services of eleven or twelve temporary employees would not be needed longer. No saving in rental would be obtained by the city.

It appears to the Finance Commission that because of the inadequacy and inefficiency of the temporary offices of the court in Young's Hotel, it would be best to move the criminal side of the court into the new building at the earliest opportunity.

##### 2. Superior Court.

The personal quarters provided for the judges of the Superior Court and the quarters provided for work of the court not performed in the main courtrooms has occasioned some comment. The judges have been provided with a library and a lounge room. The Court House Commission installed on the floor of each room a high grade linoleum cork floor which was intended by the commission to be the finished floor and to require nothing in the way of adornment except possibly a few scatter rugs. In the library were provided numerous tables at which judges might sit in conferences with attorneys having matters before them and to look up the law.

Since the building was turned over to the Sheriff, two large rugs have been purchased and one laid on the floor of each room. It is not an item of any great consequence, though it has occasioned some discussion.

The lounge room has been furnished with four over-stuffed leather club chairs and two davenports as well as with the ordinary type of high-grade office furniture. It is intended to be the relaxation room of the judges of the court and will undoubtedly be used to a considerable extent for conferences. The Finance Commission is not inclined to make any criticism beyond the statement already made about the rug.

The responsibility of the men who sit in this court is very great. There are restrictions upon their ordinary intercourse with their fellowmen which are not imposed on other public officials. They, therefore, are entitled to comfort and convenience for the conduct of their various offices. Whatever the Court House Commission may have overlooked in regard to their comfort and convenience, the Sheriff has supplied.

3. The Supreme Judicial Court.

The quarters provided for the Supreme Judicial Court are ample and by some might be considered palatial. How nearly palatial quarters provided for the Supreme Court of the Commonwealth should be is a matter of opinion on which there will be no unanimity. For instance, the Federal Government built at Washington an \$8,000,000 Supreme Court building. There are those who believe it was an unconscionable extravagance. On the other hand, there are many who believe that because of the importance in our system of Government of the Supreme Court, it is entitled to the best that the human mind can invent.

Only to a slightly less degree, the situation is similar here in Massachusetts. The Supreme Court has been provided with every comfort and convenience for the transaction of its business in the new Court House building. As in the case of the Superior Court, the Sheriff helped the Court House Commission a little in the provision.

4. Social Law Library.

There has been comment because certain county departments like the Registry of Deeds and the Probate Court were left in the old building, yet the Social Law Library (often referred to as a private organization) was given quarters in the new building. In every other county in the state the law requires the county to maintain a law library at county expense. In the County of Suffolk the Social Law Library was incorporated and authorized to serve the purposes for which the county supported library served in other counties. The City of Boston makes an annual grant of \$1,000 towards its expenses and quarters are provided for the library in the Court House. It was written into the authorizing statute that the justices of the courts and the members of some other official bodies were entitled to full privileges of use.

Lawyers in private practice who desire to make use of it must become members and pay, after a specified number of years in practice, a maximum of \$20 per year. These dues are used in part to purchase law books. The collection of law books in this library is invaluable. Not only is a large part of the library in constant use by members of the Supreme Court and the Superior Court, but it is indispensable to them.

Whether or not the County of Suffolk can legally appropriate money and provide quarters for a private law library association may be a question to be determined by a consideration of Art. 62, section 1, Constitutional Amendments.

The criticisms made of too many clocks, and in regard to the lights, and the few other criticisms suggested in the City Council appear to the Finance Commission to be picaresque. In any project of this magnitude it would be unusual if there were not some who would pick flaws. If a clock here and there

too many has been provided, it has not added greatly to the cost. The criticism of the lighting facilities seems to be based more on the little extra effort needed to reach the lights when replacement is necessary. Lavatory facilities are in keeping with the rest of the building and the expectancy of use.

On the whole, the Finance Commission believes that the members of the Court House Commission have rendered an excellent public service and are entitled to the gratitude of the public.

Respectfully submitted,  
 DAVID LASKER, Chairman,  
 ROBERT ROBINSON,  
 JAMES E. MAGUIRE,  
 JOSEPH A. SCOLPONETTI,  
 JAMES H. FLANAGAN,  
 The Finance Commission.

Placed on file.

INTEREST IN CONTRACT.

Notice was received from Henry J. Smith of his interest in contract with the city.

SHARP SCHOOL.

Communication was received from the School Committee rescinding request for lease of Sharp School.

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REPORT OF CORPORATION COUNSEL ON ATLANTIC AVENUE ELEVATED STRUCTURE.

The following was received:  
 City of Boston,  
 Law Department, July 7, 1939.

To the Honorable the City Council.  
 Gentlemen,—I have before me an order of your Honorable Body passed June 5, 1939, reading as follows:

"Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to promptly advise the City Council with reference to the legal rights, if any, of the City of Boston, through the Building Commissioner or otherwise, to condemn and assure demolition of the Atlantic avenue elevated structure."

I have carefully considered all the pertinent provisions of law with reference to the Atlantic avenue elevated structure, including the powers of the Building Commissioner and other public authorities, the rights of the Boston Elevated Railway Company as conferred by the various statutes relating to it, the powers and duties of the Public Trustees as set forth in the several statutes relating thereto, and also all pertinent facts in connection with discontinuance of passenger service upon the said structure. On the basis of the law and the facts, I have to advise you that in my considered opinion, in the absence of special legislation, the City of Boston is without power "to condemn and assure demolition of the Atlantic avenue elevated structure." Furthermore, any special legislation designed to accomplish the removal of the structure without the consent of the company must take into account the payment of compensation as in the case of any taking by eminent domain.

I wish further at this time to reply to another order of your Honorable Body passed June 12, 1939, asking me to urge the Legislature to pass a substitute bill, which accompanied the order, providing in substance for the removal without compensation by the Department of Public Works of the Atlantic avenue elevated structure. The order is as follows:

"Resolved, That the Corporation Counsel for the City of Boston, through his Honor the Mayor, be ordered to substitute the bill for the removal of Atlantic avenue structures in the City of Boston, accompanying this resolve, for House Bill 116 of 1939, heretofore filed by the Corporation Counsel in the General

Court, and now pending before the House Committee on Ways and Means, and relating to purchase of Atlantic avenue structures.

"And that the Corporation Counsel be ordered to press allowance of the substituted bill before Joint Rules Committee of the General Court; and to press enactment of the substituted bill before all committees and the Senate and House of Representatives of the General Court."

For some weeks the matter of legislation to accomplish the removal of the Boston Elevated structure on Atlantic avenue has been under consideration by the House Committee of the Legislature on Ways and Means. At the suggestion of the committee I have, during this period, been endeavoring to ascertain the position of the directors and counsel of the Boston Elevated Railway Company in an effort to produce a bill which would satisfy the committee, protect the interests of the city, and have some chance of being accepted by the directors and stockholders of the Boston Elevated Railway Company.

In general terms the contention of the city is, and has been, that the elevated structure in Atlantic avenue has no value except a junk value since the discontinuance of the operation of the trains and I have stated this point of view in public hearing before the Committee on Ways and Means.

The contention of the Elevated is that the elevated structure in Atlantic avenue is a valuable asset of the company representing a capital investment of several millions of dollars, that it belongs to the company as a corporation, that the discontinuance of the operation of trains over it by the Public Trustees for the time being is not an abandonment by the company, and that the structure is of very considerable value as an alternative route to the Washington Street Tunnel.

It is not a matter of controversy that the Legislature by appropriate proceedings can seize the structure and authorize or order its removal, but both the Constitution of the United States and the Constitution of Massachusetts guarantee compensation to the owner of property so taken. In the event of a taking the amount of the compensation would be determined by court action and undoubtedly would be charged to the City of Boston as the unit of government most benefited.

It would be extremely simple to agree to or advocate such a bill as that proposed by your Honorable Body, authorizing removal of the structure without compensation and thereby satisfy those who apparently have not given full weight to the legal questions involved. It must be remembered, however, that the company would have its day in court, and I think it very probable that the company would welcome such a bill, as it would furnish them the best possible opportunity to obtain the largest amount of payment from the city.

Accordingly, I conceive it to be my duty to obtain the best solution of the matter from the standpoint of the city and the taxpayers, and for that reason it does not seem to me advisable to incur the risk of very large damages being assessed on the city if it is possible by compromise or agreement to secure with the least possible burden upon the taxpayers and with no immediate outlay of money the removal of the elevated structure.

In the last analysis it must be remembered that the matter is to be acted upon by the Committee on Ways and Means and finally settled by the Legislature and that while the course I have so far pursued is according to my best judgment, the opportunity is still open to present objections to the committee and to the Legislature.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

#### RENEWAL OF TAX TITLE LOAN.

Notice was received of the renewal of the approval by the Emergency State Finance Board of \$2,000,000 tax title loan.

Placed on file.

#### CONFIRMATION OF APPOINTMENTS.

President MURRAY called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor June 26, 1939, of Charles G. Reddish, to be a Constable with authority to serve civil process upon filing bond.

2. Action on appointments submitted by the Mayor June 26, 1939, of Joseph Shields and Otto G. Garland, to be Weighers of Goods; and Richard H. Baxter, to be a Weigher of Coal.

The question came on confirmation. Committee, Coun. Rosenberg and Irwin. Whole number ballots 14, yeas 10, nays 4, and the appointments were confirmed.

#### LOAN ORDERS AND SALE OF LAND, TUFTS AND MEDFORD STREETS.

The Chair called up, under unfinished business, Nos. 3, 4 and 5 on the calendar, viz.:

3. Ordered, That under the provisions of chapter 72 of the Acts of 1939 the sum of \$3,275,000 be, and hereby is, appropriated for Public Welfare, Soldiers' Benefits and Federal Emergency Unemployment Relief Projects, to be used for meeting appropriations heretofore made, and that the City Treasurer be authorized to issue, from time to time, upon request of the Mayor, bonds or certificates of indebtedness of the city to said amount, the same to be issued outside the debt limit.

On June 26, 1939, the foregoing order was read once and passed, yeas 17, nays 0.

4. Ordered, That under the provisions of chapter 72 of the Acts of 1939 a loan in the sum of \$180,000, outside the debt limit, be, and hereby is, authorized, and that the City Treasurer, upon request of the Mayor, be authorized to issue bonds or notes therefor, and that the said sum of \$180,000 be, and hereby is, appropriated, to be expended in accordance with the provisions of chapter 72 of the Acts of 1939 for the following purpose:

5. Whereas, The City of Charlestown in the year 1870 did purchase in fee for the purposes of its water works certain contiguous parcels of land situate on Tufts and Medford streets in said City of Charlestown. The said parcels of land hereinafter described were acquired by the said City of Charlestown by three deeds; the first of said deeds is dated June 4, 1870, and recorded with Middlesex Deeds, Book 1101, page 584; the second of said deeds is dated June 6, 1870, and recorded with Middlesex Deeds, Book 1101, page 341; and the third of said deeds is dated June 6, 1870, and recorded with Middlesex Deeds, Book 1101, page 343; and

Whereas, By the provisions of chapter 286 of the Acts of 1873, the City of Charlestown was annexed to and became a part of the City of Boston on the first Monday of January, 1874, and the premises hereinbefore referred to and hereinafter described thereby became the property of the City of Boston; and

Whereas, The said premises are no longer needed for public purposes; and

Whereas, The Boston Housing Authority is desirous of acquiring the said premises for its Charlestown housing project; now, therefore, it is hereby

Ordered, That his Honor the Mayor be, and he hereby is, authorized to sell at a minimum price of nine thousand two hundred (9,200) dollars to the Boston Housing Authority the above mentioned and hereinafter described land with the buildings thereon, together with all appurtenances pertaining thereto and to execute and deliver a deed thereof in form satisfactory to the Law Department of the City of Boston. The above mentioned land is bounded and described as follows:

Beginning at a point on the southerly side line of Medford street at its intersection with



the westerly line of Tufts street; thence running westerly on the southerly side line of Medford street, seventy-six and 64-100 (76.64) feet; thence turning and running southerly by land now or formerly of Palmer & Parker Company by two measurements, fifty-eight and 68-100 (58.68) feet and one hundred nine and 11-100 (109.11) feet; thence turning and running easterly by Sheridan court, seventy-two and 70-100 (72.70) feet; thence turning and running northerly by Tufts street, one hundred seventy-four and 15-100 (174.15) feet to the point of beginning and containing about 12,545 square feet of land. The foregoing described premises are shown on a plan marked "Plan of land in Charlestown belonging to the City of Boston; scale 10 feet to an inch. City of Boston, Medford street, Tufts street, Sheridan street, Charlestown, June 7, 1939, William J. Sullivan, Chief Engineer, Street Laying-Out Department," on file in the office of the Chief Engineer, Street Laying-Out Department, City Hall Annex, Boston, Massachusetts.

On June 26, 1939, the foregoing order was read once and passed, yeas 17, nays 0.

The orders were severally read a second time and again passed, yeas 16, nays 0.

PAYMENT OF AID TO SOLDIERS AND SAILORS.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of July, 1939. Report accepted; order passed.

BURYING WIRES, WARD 10.

Coun. CAREY offered the following: Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to include in the underground area for 1940 the wires on the following streets in Ward 10:

Evergreen street, Hillside street, St. Albans road, Round Hill street.

Passed under suspension of the rule.

DEMOLITION OF HOUSES IN HOUSING AREA.

Coun. CAREY offered the following: Ordered, That, due to the scarcity of suitable homes, the Boston Housing Authority be requested, through his Honor the Mayor, not to demolish all of the houses in the areas in which housing projects are to be constructed until some of the new houses have been built.

Coun. CAREY—Mr. President, regardless of what we have heard relative to the number of suitable homes available in the areas where housing projects are to be constructed, from personal observation in my district I have seen people wandering about day in and day out, not able to find a place to which to move from their present homes. If the Housing Authority continues its present plans to demolish all the houses in the much widened area that they contemplate out there, it will be some time before the people in my district will be able to find available homes and it seems to me that in a project the size of the one to be constructed at Mission Hill certain demolition can be had and construction gone ahead with before all the demolition has been completed. I therefore hope the Housing Authority, through the Mayor, will give this matter its fair consideration and appreciate the circumstances that many families are in in my district and other districts in trying to find places to which to move.

The order was passed under suspension of the rule.

TRAFFIC BOX AT BRIGHAM CIRCLE.

Coun. CAREY offered the following: Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to install a traffic box at Brigham Circle, in Ward 10, and to keep same manned by a traffic officer throughout the day, for the protection of pedestrian traffic using this intersection.

Passed under suspension of the rule.

VOICE-AMPLIFYING APPARATUS IN STREET CARS.

Coun. CAREY offered the following: Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to install voice-amplifying apparatus in the street cars, elevated and subway trains and buses to assist operators in announcing stops along the various routes.

Coun. CAREY—Mr. President, while that order might not seem of great importance all of us who ride in street cars, subway trains, or buses, from day to day notice that many passengers are carried past the stop or destination. It seems the Elevated can install some kind of voice-amplifying apparatus that will assist the operators of cars and make it easier for them to announce these stops, and I hope they will give proper consideration to this request.

The order was passed under suspension of the rule.

ARTHUR P. WHITE SQUARE.

Coun. ROSENBERG offered the following: Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to name the junction at Geneva avenue and Columbia road, Arthur P. White square, in memory of Arthur P. White, hero of the World War.

Passed under suspension of the rule.

RESURFACING OF WILDER STREET.

Coun. ROSENBERG offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, under the W. P. A. type of construction, Wilder street, Ward 14.

Passed under suspension of the rule.

RE-MARKING SHUFFLE BOARD COURTS AT FRANKLIN FIELD.

Coun. ROSENBERG offered the following: Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to re-mark the shuffle board courts on Franklin Field, on which the paint and markings have become obliterated through constant use.

Passed under suspension of the rule.

SWIMMING POOL AT FRANKLIN PARK.

Coun. ROSENBERG offered the following: Ordered, That the Park Commissioners be requested, through his Honor the Mayor, to secure a W. P. A. project for the construction of a municipal swimming pool in Franklin Park.

Coun. ROSENBERG—Mr. President, I presented an order here asking that the Park Commissioners, through his Honor the Mayor, attempt to secure a W. P. A. project for the purpose of constructing a swimming pool in Franklin Park. Some years ago there was a section of the park where it was thought it might be converted into a swimming pool, but no action was ever taken. In

practically every small city and town in the country hundreds of these swimming pools have been constructed for the purpose of granting relief to the residents of thickly congested sections, and the construction of a swimming pool in Franklin Park will serve the residents of Ward 14 and also many of the wards in the suburban sections of Boston and will be of great benefit to the residents, particularly during the hot and sultry weather, when a lot of these children cannot get the means to take them down to the beaches daily. I feel the construction of such a pool will be a worth-while and beneficial project for the City of Boston.

The order was passed under suspension of the rule.

#### INSTALLATION OF FIRST AID AT FRANKLIN FIELD PLAYGROUND.

Coun. ROSENBERG offered the following:

Ordered, That the Board of Park Commissioners be requested, through his Honor the Mayor, to make arrangements to provide a first-aid station at the Franklin Field Playground in order to take care of whatever accidents may occur.

Coun. ROSENBERG—Mr. President, I believe the conditions existing in Franklin Field with reference to a first-aid station and attendant is perhaps similar to the conditions obtaining in other parks and playgrounds throughout the city. On the Fourth of July it was surprising to learn that at the locker building there was no equipment or supplies for taking care of children or adults who might be injured on the playground and it was fortunate that a corps of Boy Scouts were there with their first-aid kits to take care of those persons in need of first-aid. I feel, despite the fact we are operating under an economy program, one of the important matters to be taken care of first is in the event of emergencies and accidents that occur, particularly on playgrounds where hundreds of children and adults have the opportunity of visiting and participating in the various sports. It is an important adjunct to the Park Department to have adequate supplies for the protection of those who may be hurt while attending playgrounds during the day.

The order was passed under suspension of the rule.

#### RESURFACING CODMAN HILL STREET.

Coun. ENGLERT offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Codman Hill street, Ward 11, as a W. P. A. project.

Passed under suspension of the rule.

#### RESURFACING BRINTON STREET.

Coun. ENGLERT offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Brinton street, Ward 11, under the W. P. A. type of construction.

Passed under suspension of the rule.

#### NEXT MEETING.

On motion of Coun. IRWIN it was voted to meet again on July 24, 1939.

#### SANDING BEACH AT WAR MEMORIAL PARK, EAST BOSTON.

Coun. IRWIN offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to sand the beach at the World War Memorial Park in East Boston at once.

Passed under suspension of the rule.

#### SIDEWALK ON CURTIS STREET.

Coun. IRWIN offered the following:  
Ordered, That the Commissioner of Public Works make a sidewalk along Curtis street, from Chelsea street to the bridge, Ward 1, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### SIDEWALK ON BECK STREET.

Coun. IRWIN offered the following:  
Ordered, That the Commissioner of Public Works make a sidewalk along Beck street, from Bremen street to Chelsea street, Ward 1, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### PENSION TO ERNEST E. FEWKES.

Coun. SULLIVAN offered the following:  
Resolved, That the City Council of Boston hereby approves the enactment of legislation to authorize the city to pay a pension to Ernest E. Fewkes on account of injuries received while employed at the Boston City Hospital; provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

#### RECESS.

On motion of President MURRAY, the Council voted at 2.45 p. m. to take a recess subject to the call of the Chair. The members reassembled in the Council Chamber and were called to order at 3 p. m. by Coun. LANGAN.

#### GENERAL EDWARD L. LOGAN.

Coun. KERRIGAN and MURRAY offered the following:

Resolved, That the Boston City Council, in meeting assembled, hereby records its profound sorrow because of the untimely passing of General Edward L. Logan, who, during his lifetime, demonstrated his great love for his God and Country, and who, in death, will be forever remembered as an able and upstanding jurist, a patriotic and gallant soldier and a generous and sincere friend to his brother man.

Adopted by a unanimous rising vote.

#### RESURFACING SPRING GARDEN STREET.

Coun. HUTCHINSON offered the following:  
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Spring Garden street, Ward 13, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### BURYING WIRES IN WARD 13.

Coun. HUTCHINSON offered the following:  
Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to include in his underground program for 1940 the wires on the following streets in Ward 13: Wayland street, Balfour street, Dean street, Saxton street, Romsey street.

Passed under suspension of the rule.

**ACCEPTANCE OF ROBINSON PLACE.**

Coun. HUTCHINSON offered the following:  
 Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Robinson place, Ward 16, as a public highway, under the W. P. A. plan of construction.  
 Passed under suspension of the rule.

**REOPENING OF TENNIS COURTS AT PINE BANKS, JAMAICA PLAIN.**

Coun. LANGAN offered the following:  
 Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to reopen the tennis courts at the Pine Banks section of Jamaica Plain.  
 Passed under suspension of the rule.

**REOPENING OF TENNIS COURTS AT HEALY PLAYGROUND.**

Coun. LANGAN offered the following:  
 Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to reopen the tennis courts on Healy Playground, Ward 19, Roslindale.  
 Passed under suspension of the rule.

**REPORT OF COMMITTEE ON CLAIMS.**

Coun. LANGAN, for the Committee on Claims, submitted the following:

1. Report on petition of John F. Burke (referred June 26), recommending passage of the following order, viz.:

Ordered, That the sum of eight dollars and fifty cents (\$8.50) be allowed and paid to John F. Burke in reimbursement for amount of judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

2. Report on petition of Albert F. Wagner (referred June 26), recommending passage of the following order, viz.:

Ordered, That the sum of eight hundred dollars (\$800) be allowed and paid to Albert F. Wagner in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

**WITHHOLDING PAYMENT TO NATIONAL FIREWORKS COMPANY PENDING INVESTIGATION OF DAMAGE.**

Coun. HUTCHINSON offered the following:  
 Ordered, That the City Auditor be requested, through his Honor the Mayor, to withhold payment to the National Fireworks Company for fireworks displays in the various sections of the city on July 4th until such time as persons living on Playstead road, Ward 13, have been reimbursed for damage to their property caused by fire resulting from the fireworks display on the Savin Hill Playground on the evening of July 4th.

Passed under suspension of the rule.

**REPORT REQUESTED ON NEW SUFFOLK COUNTY COURT HOUSE BY COURT HOUSE COMMISSION.**

Coun. CHASE offered the following:  
 Ordered, That the Court House Commission be requested, through his Honor the Mayor, to furnish the City Council with a report of the reasons why they adopted

the present lighting system in the new Suffolk County Court House and the cost thereof; and be it further

Ordered, That the Court House Commission be requested, through his Honor the Mayor, to furnish the City Council with a report showing the complete cost of installing clocks in the new Court House and a report showing the total cost of providing toilet facilities.

Coun. CHASE—Mr. President, I have here the Finance Commission's report on the investigation which was made at the request of the City Council some weeks past, and I note with interest they say:

"The criticisms made of too many clocks, and in regard to the lights, and the few other criticisms suggested in the City Council appear to the Finance Commission to be picayunish. In any project of this magnitude it would be unusual if there were not some who would pick flaws. If a clock here and there too many have been provided, it has not added greatly to the cost. The criticism of the lighting facilities seems to be based more on the little extra effort needed to reach the lights when replacement is necessary. Lavatory facilities are in keeping with the rest of the building and the expectancy of use."

Now, Mr. President, I don't like to be put in the position of criticizing the Finance Commission's report which, however, I am bound to do under the circumstances, especially in view of the conclusion of this report where the Finance Commission states that the criticisms are picayunish. Now as chairman of the Committee on Appropriations I spent considerable time with Sheriff Dowd in going over this project and the cost of lights which in the eyes of the Finance Commission is satisfactory and within reason amounts to about \$7,000. This Body, with the cooperation of the Mayor, cut that particular item \$4,000. We gave them \$3,000 for electric light bulbs instead of \$7,000. We also cut their lighting bill by approximately \$4,500. Now, Mr. President, those items were due to the lavish expenditure made by the Court House Commission in erecting this fancy lighting system in the Court House. I contend that \$10,000 is a lot of money in any man's land and in view of the fact, Mr. President, that the Governor of the Commonwealth and his Honor the Mayor of Boston are doing everything within their power to cut expenses, I think it is within our province, as a body who is empowered to cut expenses, to criticize where we properly should criticize and I contend, Mr. President, that to light the new county Court House in the manner in which the Court House Commission have provided is positively a waste of the taxpayers' money. It was through my motion, Mr. President, a month or so ago, that this Body urged the Court House Custodian to put out every other light and use the extra bulbs in place of purchasing new ones. I am happy to see that the Court House Custodian has followed suggestions and I do not see, Mr. President, the purpose of making a conclusion in their report in the manner in which they did. I hardly think it is fair. I don't think they have given any time or consideration to their investigation when they make such a statement as they have. I note that their statement absolutely contradicts the statement made by the High Sheriff of Suffolk County before the Committee on Appropriations about a month and a half ago. I have here, Mr. President, volume 3 of the minutes of the hearings conducted by the Committee on Appropriations when Sheriff Dowd was before us, and in this report, Mr. President, the High Sheriff of Suffolk County has made certain statements and I have here, Mr. President, something which will be interesting to the members who did not sit before our committee. This question, Mr. President, was put by Councilor Lyons to Sheriff Dowd: "You have the Hunnewell thermostat up there? A. Yes.

"Q. Of course, that is just for heat? Yes; shuts off the heat and lets it in. But you cannot bring in fresh air at all. Our chief engineer tells us that it will never be right

unless something is done, and for that reason I have asked to hold up the final payment to the general contractor. The heating and ventilation are not done to our satisfaction. Whether the trouble was with the specifications we cannot tell, but, you see, Fuller, the contractor, will be out of there the first of next December, and anything that happens after that the county will be responsible for, and we will have to foot the bills."

Now, Mr. President, Sheriff Dowd commented before our committee on more than one occasion as to the lavish expenditure of the Court House Commission. He contended it cost \$150,000 to furnish the two top floors for jurors. As I understand it, those floors are empty, and they are empty because the Court House Commission didn't have enough money to furnish them, and if you go through this report, Mr. President, you will find sufficient evidence there whereby any reasonable man, especially one who acts in a capacity in the manner this Body acts in, should request an accounting. The City of Boston, Mr. President, spent or contributed \$1,900,000 towards the erection of the white elephant standing on the hill. \$1,900,000, and now maybe within six months or so they will come down and ask us for more money. I think we are entitled to ask the proper body which is supposed to investigate financial affairs to conduct an investigation and I think we acted reasonably in doing so. I do not intend to go beyond what I have already said. I was induced to back up the order, as introduced by Councilor Taylor, asking for an investigation of the expenditures because I recognized, Mr. Chairman, on one item alone a lavish expenditure in the erection of a lighting system and I am surprised, especially, to think that the annual cost of replacing electric light bulbs figures about \$7,000 a year. That in and of itself, Mr. President, made up my mind to back Councilor Taylor's order asking for an investigation and I think I was reasonable in asking for it.

The orders were passed under suspension of the rule.

#### USE OF LAND ON DORCHESTER AVENUE FOR SAND AND GRAVEL DUMP.

Coun. WILSON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to reconsider reported plan for use of Dorchester avenue property, in the vicinity of St. Gregory's Church, as a sand and gravel dump or for a city yard.

Passed under suspension of the rule.

#### REIMBURSEMENT BY BABCOCK COAL COMPANY.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to take such legal steps as may be necessary to reimburse the City of Boston for fireproof and improper fuel received by the city from the Babcock Coal Company for welfare recipients during the administration of former Mayor Mansfield.

Coun. WILSON—Mr. President, with every respect to the Corporation Counsel, it occurs to me perhaps the order is unnecessary, but I did read in the papers the outcome of the suit apparently brought by Mr. Parkman's predecessor concerning the fireproof coal deliveries and short deliveries made by this concern during the previous administration which were, of course, a crying outrage when welfare family after welfare family throughout the City of Boston reported that the City of Boston was paying for coal and getting junk. Apparently the law point was raised that the City of Boston, directly or indirectly, having used the coal had no real defense to the action brought by Mr. Parkman's predecessor. I would assume, however, we have an affirmative

right against the Babcock Coal Company. I naturally assume that involving, as it does, thousands of dollars, the City of Boston isn't going to allow this particular contractor, or any contractor, to evade the responsibility by technicalities on any legal point. I believe any sensible man or woman in Boston would consider that the fuel deliveries made to the welfare recipients under the Mansfield administration were a disgrace to any civilized community and I have every hope and every reliance that the present Corporation Counsel will not allow this litigation to end up in this manner through giving the Babcock Coal Company the last laugh and thereby encouraging other coal companies and other contractors doing business with the city to get away with the same kind of merchandise.

The order was passed under suspension of the rule.

#### REQUESTED INFORMATION FROM OVERSEERS OF PUBLIC WELFARE.

Coun. WILSON offered the following:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to advise the City Council:

1. As to the number of welfare cases added to the rolls since May 20, 1939, from among families resident as on said date in the four new subsidized housing areas in Boston; and also

2. The number of families moved out of said housing areas with the assistance of the Welfare Department and the expense of same.

Passed under suspension of the rule.

#### REMOVAL OF ATLANTIC AVENUE ELEVATED STRUCTURE.

Coun. WILSON offered the following:

Ordered, That the Committee on Legislative matters of the Boston City Council be, and said committee hereby is, instructed to urge the Joint Rules Committee of the General Court to substitute for House Bill 116 of 1939 the bill indorsed by the City Council on June 12, 1939, with reference to removal of the Atlantic avenue structures, and that said committee press enactment of said substituted bill before all committees, and the Senate and House of Representatives of the General Court.

Coun. WILSON—Mr. President, I again press this matter of the demolition of the Atlantic avenue elevated structure carried on the books of the Elevated as an asset to the tune of around \$3,000,000 and as to which the Elevated authorities are endeavoring either to collect on this form of asset or to use it for the purpose of leverage to put through some favorable contract with the City of Boston or with the State Legislature. I again repeat, while I have every regard for Mr. Parkman's ability, of course, differences of opinion many times will keep lawsuits going, and I am somewhat encouraged by the fact that the Boston Finance Commission in its report dated June 16, over the signature of the entire Finance Commission, calls attention to the order which we passed on June 12, points out that according to the opinion of a former attorney—general, Mr. Atwill, and other authorities, our proposed action is entirely in order. I am very much disappointed to feel that the Corporation Counsel of Boston will not comply with our order of June 12, because as I visualize his office, he is not just the counsel for the Mayor of Boston, but he is the people's attorney for the City of Boston, and I assume the official attorney for the Board of Directors of the City of Boston, and I hope in that capacity he would at least endeavor to substitute for Bill 116 this bill which will make it clear that the City of Boston should not pay one dime for the demolition of this pile of junk on Atlantic avenue. Since, however, in his letter of July 7, he is apparently unwilling to do that, I urge the City Council to be on its toes, that the City Council of Boston recognize the fact that the

deficit of the Elevated is a very major part of our annual tax bill, and that some action by somebody is necessary if this structure is to be demolished and if the Elevated Railway Company is not to be made one of these free-will offerings which has gone down through the years in Boston and throughout the Metropolitan District. I don't know, Mr. President, what is in the wind, but something is going on behind the scenes. Apparently there is an element in the community that wants to make an overhead highway of the Atlantic avenue structure which, as an engineering proposition, might sound like an improvement in that district, but I have come to believe rather than suspect that the entire proposition is linked up with one of the old-time street widening schemes. There positively is something in the wind which makes this Atlantic avenue structure a treasure trove that for some reason the powers that be do not want to see disappear, and I believe, from the point of view of the taxpayers and the saving of money, not only money with reference to Atlantic avenue structure, but money concerning what goes on behind the scenes, the sooner that pile of junk is pulled down the better.

The order was passed under suspension of the rule.

#### CONTINUATION OF PUBLIC HEARINGS ON FURTHER HOUSING.

Coun. WILSON offered the following:

Ordered, That the Boston City Council hereby authorizes and directs the Executive Committee to continue local public hearings on the question of further subsidized public housing in Boston in accordance with earlier vote of the Council and in spite of the vote by the Executive Committee that such hearings be indefinitely postponed.

The order was referred to the Executive Committee.

Coun. WILSON—May I ask did we vote on that? I ask suspension of the rule.

Coun. TAYLOR—Mr. President, on a point of order. Isn't that for a vote by the Executive Committee?

Coun. LANGAN—The question is now on the suspension of the rule for the purpose of allowing the order to be acted on now rather than sending it to the Executive Committee.

Coun. TAYLOR—The subject of the order is now before the Executive Committee.

Coun. LANGAN—The vote now being taken is on the suspension of the rule which requires sending the order to a committee.

Coun. WILSON—Mr. President—

Coun. LANGAN—The gentleman is out of order.

Coun. WILSON—I would like to speak after the suspension of the rule if there is no objection to that.

The rules were suspended, yeas 12, nays 4:

Yeas—Coun. Carey, Chase, Englert, Fish, Fitzgerald, Galvin, Harris, Hutchinson, Kelly, Lyons, Rosenberg, Wilson—42.

Nays—Coun. Agnew, Irwin, Langan, Taylor—4.

The question came on the passage of the order.

Coun. WILSON—Briefly, I do not assume that there is much that needs to be said on this particular order. Some weeks ago the Council unanimously, as I remember it, passed an order introduced by the councilor from Ward 2 requesting that local public hearings be held to ascertain the local sentiment with reference to the extension of subsidized, tax-free housing in Boston, and quite appropriately the first local meeting was held in the district so ably represented by the councilor from Ward 2. The second was held in the district no less ably represented by the councilor from Ward 15. The purpose of those meetings was to ascertain the local sentiment. I won't comment unduly on what the local sentiment was, but I cannot quite understand the action which was taken behind the doors of the Executive Committee some weeks ago following those two initial

hearings whereby the Executive Committee passed a vote that the public hearings, or the local hearings, unanimously ordered out in the open by the Council should be indefinitely postponed. Was it because some members of the Council learned that the general public doesn't think on the subject quite as they think, or was it because some members of the City Council do not want to know what the local sentiment is with reference to this very controversial subject? Just what is the reason why a unanimous vote of the Boston City Council here out in the open calling for local public hearings by the Executive Committee, that committee in the other room, not on the record, should vote that they be indefinitely postponed? You cannot play both ends and the middle, Mr. President, in politics or any other game, and the only purpose of this order is that the Council shall be restored to its logical position and not placed in the position of voting one thing unanimously out in the open and then hiding behind the door to do something else.

Coun. TAYLOR—It seems rather strange to me why the councilor from Ward 17 is so particularly interested in having these hearings during the hot summer weather in various wards, despite the fact that this Council has already passed an order requesting his Honor the Mayor to put upon the ballot the question whether or not the people of Boston desire public housing. Now, how many expressions of opinion does he want? Certainly that ought to be sufficient for anybody. If the people at the polls register their approval or disapproval, haven't we got enough, or is this publicity stunt for somebody who is seeking further from the public? I cannot see the necessity for having these packed houses, and that is all they are, packed houses. Hannah Connors and the Real Estate and Apartment House Owners fill the hall with their own people,—these people all willing to come to give their names to the paper thinking it is in the interest of the public,—this very Hannah Connors who has so much feeling for the poor she has the reputation for throwing them out in the wintertime if they do not pay their rent on time. That is the type who come to these various meetings and try to tell the public that we do not want housing for those who are absolutely in need of it.

Coun. WILSON—Will the gentleman yield for a question?

Coun. TAYLOR—I will after I get through. And I wish further to state, Why are we having these radio talks? Who is providing the money for these radio talks against housing? What is the reason for it? Is it because of public interest or is some one behind the throne furnishing the necessary wherewithal to defeat housing in Boston? We have not had an opportunity to test out housing and I do not think that the two hundred, three hundred or four hundred people who attend those meetings is any indication of public sentiment. I don't think the councilors want that. It is only a nuisance and it is only a duplication of effort. We are requesting his Honor to put it on the ballot and that ought to be sufficient for anybody without putting the Council to a lot of unnecessary criticism and trouble.

Coun. WILSON—I would like to ask the councilor two questions. One is, What radio talk does he refer to,—the one by Mr. Carroll on WBZ or the talk by the councilor from Ward 17 on time which was donated by WBZ?

Coun. TAYLOR—I refer to the two talks of Councilor Wilson on the radio.

Coun. WILSON—The other question is, Do I understand the gentleman is prepared to leave the order to increase the \$27,000,000 for housing on the table and the \$25,000 for expense of the Housing Authority until after a plebiscite of the people of Boston before action by the Council?

Coun. TAYLOR—I do not think the question is appropriate, but in answer I will say I will vote on each question when properly submitted before the Council.

Coun. WILSON—Did I understand the gentleman will vote on that before the plebiscite, or after the people have spoken in a plebiscite?

Coun. TAYLOR—I said I will vote when it is properly before the Council.

Coun. WILSON—You will have to explain that to me, Mr. President.

Coun. LANGAN—The question now comes on the passage of the order and those in favor will signify by rising.

The vote was doubted by Coun. WILSON and a roll call asked for.

The order was passed, yeas 11, nays 5: Yeas—Coun. Carey, Chase, Englert, Fish, Fitzgerald, Galvin, Harris, Kelly, Lyons, Rosenberg, Wilson—11.

Nays—Coun. Agnew, Hutchinson, Irwin, Langan, Taylor—5.

Coun. TAYLOR—I move reconsideration and that the order then be laid on the table until sufficient members of the Council are here at the next meeting.

Question then came on Coun. Taylor's motion for reconsideration and the motion was lost, yeas 6, nays 9:

Yeas—Coun. Agnew, Hutchinson, Irwin, Langan, Rosenberg, Taylor—6.

Nays—Coun. Carey, Chase, Englert, Fish, Fitzgerald, Galvin, Kelly, Lyons, Wilson—9.

Coun. TAYLOR offered an order—That the Executive Committee hold a meeting for the purpose of selecting dates on which hearings on housing shall be given in the various wards.

Coun. WILSON—Mr. President, speaking on the order which is offered by a gentleman of the Council who is unalterably opposed to these public hearings locally, is obviously for the intent of hamstringing the committee on any further hearings. I might state the hearing following the first hearing in Councilor Galvin's ward was held on the date fixed by Councilor Kelly of Ward 15 who obtained the hall for the meeting held in his ward. The councilor from Ward 10 has intimated the possible desire of a meeting in his ward, and I do not believe the Executive Committee should adjourn to go into a committee meeting and, irrespective of what may happen during the next month or so, bind down the various members of the Council and especially those councilors in whose wards meetings are to be held. As chairman of the Executive Committee I have in mind, for example, asking the councilor from Ward 10, if he still desires a meeting, to fix some appropriate place in his ward, and he ought to be more familiar with it than any of us, and a date that would be convenient to him and the civic leaders in his ward, and the purpose of this order is to have the Executive Committee sit down or spend a lot of time and get

nowhere or fix dates which will be all jumbled up when the dates arrive. The orderly procedure is for the various members of the Council to suggest when they would like the hearing held, and with that in view the order should be defeated.

Coun. TAYLOR—If the chairman of the Executive Committee who has just spoken assures the rest of the members of the Council that he will cooperate with each councilor from each district, then I will withdraw the order.

Coun. WILSON—I will be glad to give the gentleman from Ward 12 that assurance and give him the right of way and he can name the night and the place he wants his hearing today.

Coun. TAYLOR—Then I will ask to withdraw the order.

There being no objection the order was withdrawn.

#### REPORT OF COMMITTEE REQUESTED.

Coun. KELLY—On a point of information, Mr. President, I wonder if I could have you ask the chairman of the Committee on Rules if his report is ready on the resolution I introduced last week?

Coun. LANGAN—Is the chairman of the Committee on Rules present? The councilor from Dorchester has requested the Chair to ask the chairman of the Rules Committee if he has ready the report on the question put to him last week.

Coun. FITZGERALD—I had forgotten I was chairman of the Committee on Rules.

Coun. KELLY—Mr. President, I realize, of course, Councilor Fitzgerald might not have realized he is chairman of the Rules Committee, but now he does today, I might ask him, through courtesy to the councilor from Ward 15, when he can hold the meeting of the Committee on Rules and when it will be ready to report back to the full body of the Council?

Coun. FITZGERALD—It escaped my attention I was chairman of the Committee on Rules.

Coun. KELLY—I might say I introduced an order in the Council here last week and after the Executive Committee of this Council voted to pass my resolution it came out on the floor and subsequently was referred to the Committee on Rules. The Committee on Rules is the well-known graveyard of this Council, and I trust the gentleman from Ward 3, now he realizes he is chairman of that committee, will have a committee meeting and be ready to report back at the next meeting of the Council.

Adjourned, on motion of Coun. IRWIN, at 3.45 p. m., to meet on Monday, July 24, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, July 24, 1939.

Regular meeting of the City Council at Faneuil Hall, at 2 p. m., President MURRAY in the chair. Absent, Coun. Norton.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments:

Constables of the City of Boston for the term of one year, beginning with the first day of May, 1939, without power to serve civil process and to serve without bond: Martin R. Schofield, 267 D street, Ward 6; William J. Murphy, 73 Lawrence street, Ward 2.

Weigher of Goods: John F. O'Halloran, 77 Waldeck street, Dorchester, Mass.

Weigher of Coal: Maxwell R. Finstein, 58 Linwood street, Malden, Mass.

Severally laid over for one week under the law.

## REMOVAL OF RESTRICTIONS ON FIVE-CENT FARE FOR CHILDREN.

The following was received:

City of Boston,

Office of the Mayor, July 17, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the President and General Manager of the Boston Elevated Railway Company relative to your order of June 26, 1939, concerning the removing of the restrictions prohibiting the privilege of a five-cent fare to children between the ages of five and fourteen years during the hours of 7.30 to 9 a. m. and 4.30 to 6 p. m., and to afford the use of the five-cent fare to these children at any hour of the day during the summer months.

Respectfully,

MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
July 12, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—The request made to the Board of Trustees by the City Council with regard to modifying the five-cent fare for children was considered at the meeting of the Board today.

This privilege was voluntarily granted by the trustees and has been continued each year since 1922, the idea being that during the off-peak hours it might create additional use of the system by children under fourteen, in the hot summer months when it did not increase operating expenses. In view of the fact that the rush hours are the most expensive operating hours of the day, the trustees do not believe they are justified under present deficit conditions in going further than they have in the interest of these children.

Very truly yours,

EDWARD DANA,

President and General Manager.

Placed on file.

## INSTALLATION OF SHOWER BATH FACILITIES IN SCHOOL YARDS USED AS PLAYGROUNDS.

The following was received:

City of Boston,

Office of the Mayor, July 21, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Secretary of the Boston School Committee relative to your order of June 26, 1939, concerning the installation of shower bath facilities in the various Boston school yards now being used as playgrounds as a W. P. A. project.

Respectfully,

GEORGE A. MURRAY, Acting Mayor.

City of Boston,

School Committee, July 21, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Sir,—At a meeting of the City Council on June 26, 1939, an order was passed requesting the School Committee, through your Honor, to install shower bath facilities in the various Boston school yards now being used as playgrounds as a W. P. A. project.

The School Committee finds that the Superintendent of Construction already has installed showers in approximately sixty of the school yard playgrounds, and Mr. Mahar reports that he is prepared to proceed with installation in the remaining playgrounds which are operating in the school yards, as opportunity offers, in so far as the funds of his department may permit.

Respectfully yours,

ELLEN M. CRONIN, Secretary.

Placed on file.

## DELINQUENT PAYMENT OF WATER BILLS.

The following was received:

City of Boston,

Office of the Mayor, July 27, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 26, 1939, concerning the granting of humane consideration to owners of property who may be delinquent in the payment of their water bills.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department, July 10, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have a copy of the following order that was passed in the City Council on June 26:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to grant humane consideration to owners of property who may be delinquent in the payment of their water bills."

The Commissioner of Public Works has always granted humane consideration to owners of property who may be delinquent in the payment of their water bills.

Respectfully yours,

GEORGE G. HYLAND,

Commissioner of Public Works.

Placed on file.

## REOPENING OF TENNIS COURTS AT PINE BANKS SECTION OF JAMAICA PLAIN.

The following was received:

City of Boston,

Office of the Mayor, July 20, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to

your order of July 10, 1939, concerning the reopening of the tennis courts at the Pine Banks section of Jamaica Plain.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, July 18, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of July 14 with inclosure, order of the City Council that the Park Commission be requested to reopen the tennis courts at the Pine Banks section of Jamaica Plain.

Please be assured every consideration will be given this request and an investigation will be made to see what the condition of this area is at the present time.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### REMARKING SHUFFLE BOARD COURTS AT FRANKLIN FIELD.

The following was received:

City of Boston,  
Office of the Mayor, July 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of July 10, 1939, concerning the remarking of the Shuffle Board Courts on Franklin Field, on which the paint and markings have become obliterated through constant use.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, July 18, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of July 14 with inclosure, order of the City Council that the Park Commissioner be requested, through his Honor the Mayor, to remark the Shuffle Board Courts on Franklin Field, on which the paint and markings have become obliterated through constant use.

Please be informed the new markings on these shuffle boards will be completed on Wednesday, July 19.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### FIRST-AID STATION AT FRANKLIN FIELD PLAYGROUND.

The following was received:

City of Boston,  
Office of the Mayor, July 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of July 10, 1939, concerning the arrangements to provide first-aid station at the Franklin Field Playground in order to take care of whatever accidents may occur.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, July 18, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of July 14 with inclosure, order of the City Council that the Board of Park Commissioners be requested to make arrangements to provide first-aid station at the Franklin Field Playground in order to take care of whatever accidents may occur.

Please be informed that the instructors on all the playgrounds are qualified to render

first aid and they all have the necessary bandages, etc., on hand. In the event of a serious accident, they have all received instructions to call an ambulance at once.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### REOPENING TENNIS COURTS AT HEALY PLAYGROUND.

The following was received:

City of Boston,  
Office of the Mayor, July 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of July 10, 1939, concerning the reopening of the tennis courts on Healy Playground, Ward 19, Roslindale.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, July 18, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of July 14 with inclosure, order of the City Council that the Park Commission be requested, through his Honor the Mayor, to reopen the tennis courts on Healy Playground, Ward 19, Roslindale.

These tennis courts were closed down for the reason that complaints had been received from the neighboring property owners that vandalism was rampant, that their yards were being destroyed. We could not maintain the tennis courts on the playground after the man had left for the night and therefore, for the best interests of the entire neighborhood, it was thought advisable to shut them down for a temporary period in an effort to control the vandalism.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### TRAFFIC BOX AT BRIGHAM CIRCLE.

The following was received:

City of Boston,  
Office of the Mayor, July 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of July 10, 1939, concerning the installation of a traffic box at Brigham Circle.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Police Department, July 21, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—With reference to your memorandum of July 14, with which you sent to this office a copy of City Council order regarding installation of traffic box at Brigham Circle, a traffic box has been installed at this location and a traffic officer has been assigned to duty for the protection of pedestrians.

Yours respectfully,  
JOSEPH F. TIMILTY, Police Commissioner.  
Placed on file.

#### RANCID BUTTER DISTRIBUTED AT COMMODITY STATIONS.

The following was received:

City of Boston,  
Office of the Mayor, July 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Health Commissioner relative to your order of June 26, 1939, concerning the conferring with the local officials of the Federal Surplus Commodities Division relative to complaints



concerning the rancid condition of butter now being distributed at various commodity stations in Boston.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Health Department, July 20, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—Replying to communication from your office, referring to request of City Council that the Health Commissioner confer with Federal Surplus Commodities Division relative to complaints concerning the rancid condition of butter now being distributed at various commodity stations in Boston. I respectfully submit for your consideration the following report.

Sample of butter was taken and submitted for analysis. The result of the analysis disclosed that the butter fat content to be slightly higher than the legal standard for butter. This butter has evidently been in cold storage for some time and has a slightly off-odor, characteristic of old butter. This condition of rancidity, complained of by the recipients, is most likely due to improper or lack of refrigeration during the warm weather.

Mr. John C. Stalker, Director of Commodity Distribution, submitted the following information.

"With reference to your request concerning the distribution of butter in the City of Boston this office advises as follows:

"Three carloads of butter, averaging 20,000 pounds per car, are ordered by this department from Washington for delivery to the Quincy Market Cold Storage the first Monday of each week. This amount of butter is sufficient to take care of the weekly needs of certified recipients based on the following monthly schedule:

1 person in family, 2 unit pounds; 2 persons in family, 4 unit pounds; 3 and 4 persons in family, 6 unit pounds; 5 and 6 persons in family, 8 unit pounds; 7 and 8 persons in family, 10 unit pounds; 9 and 10 persons in family, 12 unit pounds; 11 and 12 persons in family, 14 unit pounds.

Regulations require that each recipient is to receive his or her butter at a weekly rate of distribution in accordance with the above schedule. For example, a family of 3 or 4 persons will receive two pounds the first week, 1 pound the second week, 2 pounds the third week and 1 pound the fourth week, making a total of 6 pounds per month, or every four weeks.

Each distribution center supervisor is contacted the day before delivery is made, requesting the number of pounds that he will need each day. This amount is telephoned to our supervisor of deliveries, who calls at the Quincy Market Cold Storage the following morning and makes deliveries to each distribution center of the number of pounds they have requested. Only in the case of holidays is it possible that this butter will remain in storage longer than one week.

As explained above, only a week's supply of butter is ordered at a time. This butter is kept at zero degree temperature while in storage, and if a distribution center is left with a few cases of butter at the close of the day's business, the supervisor has permission to contact the ice company which has been contracted to supply ice to his center when needed.

In case any distribution center has butter left over at the close of the week, he contacts this office and arrangements are made to truck this butter to the cold storage plant. The butter which we have received has averaged between 91 and 92 score."

In view of the above, a much better plan would be to make deliveries in small amounts to the recipients more frequently than at present. This plan would prevent the butter from becoming rancid in cases where the recipient did not have the proper refrigeration.

Respectfully yours,  
H. F. R. WATTS, M. D.,  
Health Commissioner.

Placed on file.

UNDERGROUND WIRES, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, July 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Fire Commissioner relative to your order of July 10, 1939, concerning the inclusion in the underground program for 1940 the wires on the following streets in Ward 13:

Wayland street, Balfour street, Dean street, Saxton street, Romsey street.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Fire Department, July 20, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I am in receipt of the City Council order of July 10, 1939, concerning the inclusion in the underground program for 1940 the wires on the following streets in Ward 13:

Wayland street, Balfour street, Dean street, Saxton street, Romsey street.

This work would total 2,300 feet approximately and I shall hold this order for consideration when the final decision concerning underground work to be done in 1940 is announced in October.

It is understood, of course, that there is a setback charge on this type of work, the owner of a building on these streets being assessed a charge of 75 cents a foot by the Edison Company for the cost of digging a trench and making a connection between the building and the main conduit in the street.

Respectfully yours,  
WM. ARTHUR REILLY,  
Fire Commissioner.

Placed on file.

UNDERGROUND WIRES, WARD 10.

The following was received:

City of Boston,  
Office of the Mayor, July 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Fire Commissioner relative to your order of July 10, 1939, concerning the inclusion in the underground area for 1940 the wires on the following streets in Ward 10: Evergreen street, Hillside street, St. Albans road, Round Hill street.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Fire Department, July 20, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I am in receipt of the City Council order of July 10 concerning the inclusion in the underground area for 1940 the wires on the following streets in Ward 10:

Evergreen street, Hillside street, St. Albans road, Round Hill street.

This work would total 4,000 feet and I shall hold the Council order for consideration by me when the 1940 underground streets are selected in October.

It is understood, of course, that there is a setback charge made by the Edison Company for connecting underground wires with residences, the charge being 75 cents a foot, payable by the owner of the property for the digging of a trench and placement of a cable from the house or building to the main conduit in the street.

Respectfully yours,  
WM. ARTHUR REILLY,  
Fire Commissioner.

Placed on file.

## IMPROVEMENTS AT NORTH END PARK.

The following was received:

City of Boston,  
Office of the Mayor, July 17, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of June 26, 1939, concerning certain improvements at the North End Park.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, July 8, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I have a memorandum from your office dated July 6, with inclosure, order from the City Council, concerning certain improvements at North End Park.

Please be informed there is a project at the present time for many of these improvements. There is no room for regulation tennis court, and the sand on the beach is cleaned daily. The Government refuses to have anything to do with the pier—we have had to repair it with our own men. The department considers it very inadvisable to install a diving board.

For your information, I also desire to state that 249 locks were placed on the lockers in the men's building and in one night twenty-nine of them were destroyed. It seems outrageous that a few can destroy the pleasures of many.

When the project is accepted by the Federal Government, the work will be started as soon as the help is available.

Very respectfully yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

## SANDING BEACH AT WORLD WAR MEMORIAL PARK.

The following was received:

City of Boston,  
Office of the Mayor, July 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of July 10, 1939, concerning the sanding the beach at the World War Memorial Park in East Boston, at once.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, July 18, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of July 14 with inclosure, order of the City Council that the Park Commissioner be requested to sand the beach at the World War Memorial Park in East Boston at once.

I regret exceedingly to inform you that I cannot comply with this request at the present time, but I will have the beach raked over and put in as good condition as we possibly can get it with our own forces.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

## SWIMMING POOL AT FRANKLIN PARK.

The following was received:

City of Boston,  
Office of the Mayor, July 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of July 10, 1939, concerning the

securing a W. P. A. project for the construction of a municipal swimming pool in Franklin Park.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, July 18, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of July 14 with inclosure, order of the City Council that the Park Commissioner be requested to secure a W. P. A. project for the construction of a municipal swimming pool in Franklin Park.

I regret exceedingly to inform you that the Park Department believes it would be very inadvisable to construct a swimming pool in this area.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

## CLEANING OF ALL STREETS.

The following was received:

City of Boston,  
Office of the Mayor, July 17, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 26, 1939, concerning the putting of a crew of men on to immediately clean all the streets of the city, in view of numerous complaints and due to the fact that in several sections the Paving Department forces are used in cleaning streets and cannot be spared for this work during the summer season when their services are utilized on street and sidewalk repairs and construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, July 10, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have a copy of the following order that was passed in the City Council on June 26:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to put on a crew of men to immediately clean all the streets of the city, in view of numerous complaints and due to the fact that in several sections the Paving Department forces are used in cleaning streets and cannot be spared for this work during the summer season when their services are utilized on street and sidewalk repairs and construction."

I am quite cognizant of the untidy conditions of the streets in various sections of the city, and am taking steps to remedy them.

While it is pointed out in the order that those employees in the Paving Service who are ordinarily engaged in street cleaning work are being used during the summer months, to a greater extent than usual, on street and sidewalk repair work, it is a fact, nevertheless, that during the summer months all employees in the labor service of the Paving Division are engaged in street cleaning work on Saturdays, where needed, throughout the entire city; whereas, the only districts where the Paving Service is responsible for cleaning the streets are Brighton, Allston, Jamaica Plain, Roslindale and Hyde Park. Under this plan, I look for a marked improvement in the conditions of the streets within a short time.

The department has already sent requisitions to the Supply Department for the purchase of two (2) new and one (1) used mechanical street sweeping machines. The addition of these sweepers should allow us to cope with the street cleaning situation more adequately than at any time within the last several years and should obviate the necessity of adding to our present street cleaning personnel.

The present budgetary allowances will not permit the employing of additional workers and the present financial condition of the city precludes the appropriating of additional funds for the purpose as requested in the order.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

**SIDEWALK, WASHINGTON STREET,  
 WARD 20.**

The following was received:

City of Boston,  
 Office of the Mayor, July 17, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 28, 1939, concerning the taking up with the Metropolitan District Commission the matter of installing a sidewalk on the right-hand side of Washington street, Ward 20, from the West Roxbury Parkway to La Grange street.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department, July 10, 1939.

Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have a copy of the following order that was passed in the City Council on June 26:

"Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to take up with the Metropolitan District Commission the matter of installing a sidewalk on the right-hand side of Washington street, Ward 20, from the West Roxbury Parkway to La Grange street."

This section of Washington street is under the jurisdiction of the State Department of Public Works, and not the Metropolitan District Commission.

I shall take up this matter with the Commissioner of Public Works of the State, and shall inform Councilor Lyons relative to the attitude of the commissioner regarding this order immediately upon my receiving such information.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

**UNDERPASS AT PARSONS STREET.**

The following was received:

City of Boston,  
 Office of the Mayor, July 27, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 5, 1939, concerning the arrangement of a W. P. A. project for the construction of a pedestrian underpass at Parsons street, Ward 22, abutting the present motor traffic underpass under the Boston & Albany tracks.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department, July 10, 1939.  
 William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have a copy of the following order that was passed in the City Council on June 5:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange a W. P. A. project for the construction of a pedestrian underpass at Parsons street, Ward 22, abutting the present motor traffic underpass under the Boston & Albany tracks."

This department will proceed immediately with the preparing of plans and the making of surveys preparatory to submitting a project to the W. P. A. authorities for the construction of a pedestrian underpass, as proposed in the above copy of order.

Yours respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

**REPAIR OF STAIRWAY AT JOHNWOOD ROAD.**

The following was received:

City of Boston,  
 Office of the Mayor, July 20, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 26, 1939, concerning the arranging for the immediate repair of the stairway at Johnwood road, Ward 19.

Respectfully,  
 GEORGE A. MURRAY, Acting Mayor.

City of Boston,

Public Works Department, July 13, 1939.  
 Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Sir,—In reply to the attached order of Councilor Langan, "that the Commissioner of Public Works be requested to arrange for the immediate repair of the stairway at Johnwood road, Ward 19," this will advise that same has been submitted for construction on a W. P. A. project.

Very truly yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

**TRAFFIC CONDITIONS IN ROSLINDALE SQUARE.**

The following was received:

City of Boston,  
 Office of the Mayor, July 20, 1939.  
 To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of May 15, 1939, concerning the making of a study of traffic conditions in Roslindale square and to submit to the City Council a report containing his recommendations for relieving congestion at this point.

Respectfully,  
 GEORGE A. MURRAY, Acting Mayor.

City of Boston,

Traffic Commission, July 14, 1939.  
 Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Mr. Mayor—I have the honor to acknowledge receipt of Council order dated May 15, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make a study of traffic conditions in Roslindale square and to submit to the City Council a report containing his recommendations for relieving congestion at this point."

Observations and investigations show that there is some congestion in Corinth and South streets on Friday evenings and Saturdays due to automobile operators driving around seeking parking spaces at the curbs in both streets.

Street cars use both Corinth and South streets and also contribute to the congestion in Roslindale square area. A moving picture house located in South street also delays the movement of traffic as patrons stop in double-line getting out of their autos.

Every business area in the suburban districts of Boston has a similar problem. Persons shopping want to stop at the shop they intend to trade in and rather than park a few hundred feet away will cruise around slowly until they find a curb parking space open.

Available curb space is limited around Roslindale square, but there is an opportunity to

obtain off-street parking facilities along the railroad right-of-way, where several hundred cars could be parked.

Congestion could be relieved and through traffic speeded up by prohibiting parking in one side of Corinth street and South street.

Other sections of Boston are coping with the parking problem by providing off-street parking areas for their patrons. South Boston has an area off of Athens street. Brighton has lots off of Brighton avenue and off Washington street. Dorchester has lots at Uphams Corner; Gallivan Boulevard and Mattapan square. West Roxbury has one on Centre street.

Waltham, Quincy, Malden, and other cities have off-street parking lots maintained by individual stores or through cooperative arrangements.

I respectfully recommend that the merchants in the Roslindale square area consider the advisability of procuring from the railroad the right to park on their property and that they then request the police to strictly enforce a one-hour parking restriction for those vehicles parking at the curb.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

#### STREET IMPROVEMENTS, ROSLINDALE SQUARE.

The following was received:

City of Boston,  
Office of the Mayor, July 20, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the City Planning Board Chairman concerning your order of May 15, 1939, concerning (1) the estimated cost of extending Belgrade avenue through List place to Washington street; (2) the estimated cost of constructing an underpass at Roslindale Station, under the tracks of the New York, New Haven & Hartford Railroad, where a footpath is now located; and (3) the advisability of extending Cummins Highway through the park at Roslindale square to connect with South street.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
City Planning Board, June 30, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—Under date of May 23 your Honor referred to this office, for consideration and report, the following City Council order:

"Ordered, That the City Planning Board be requested, through his Honor the Mayor, to inform the City Council at an early date with reference to the following:

"1. The estimated cost of extending Belgrade avenue through List place to Washington street.

"2. The estimated cost of constructing an underpass at Roslindale Station, under the tracks of the New York, New Haven & Hartford Railroad, where a footpath is now located.

"3. The advisability of extending Cummins Highway through the park at Roslindale square to connect with South street."

On June 3 I personally made a field investigation and studied the separate suggestions contained in the City Council order.

Corinth street, which is the principal business section of Roslindale, carries a great deal of motor vehicle traffic and trucks from Belgrade avenue to Washington street and Cummins Highway, which causes an appreciable amount of delay on Corinth street. The existing traffic light at Corinth and Washington streets has recently been re-timed which should materially help to alleviate this condition.

South street, between Washington street and Belgrade avenue, a secondary business section of Roslindale, carries traffic from Cummins Highway and Washington street to Belgrade avenue, causing some traffic delay on that part of South street.

The problem, therefore, resolves itself into the removal of through traffic on Corinth and South streets to the end that business can be conducted more conveniently.

The extension of Belgrade avenue through List place to Washington street is estimated to cost \$100,000 and would serve to remove only a small amount of traffic moving between Belgrade avenue and the Forest Hills section of Washington street. This would not offer any alternate route to traffic from Cummins Highway and the volume of the traffic accommodated is not sufficient to economically justify the expenditure of so much money.

The construction of an underpass at Roslindale Station, where a footpath is now located, is not considered feasible because it would not connect with arteries which would in any way remove traffic from the two congested streets. The grades at this location create a serious difficulty not only in respect to the streets themselves, but also in respect to the entrances to buildings abutting on the streets.

The Board also does not consider useful the extension of Cummins Highway through the Memorial Park at Roslindale square to South street for the reason that one new intersection would be created. The intersection of South and Poplar streets would be made appreciably worse and some traffic would be removed from only a small part of South street, together with the fact that such an extension would ruin the Memorial Park now established.

The construction of an alternate street of not less than 60 feet south of and parallel to Corinth street, extending from Belgrade avenue across Washington street and connecting with Florence street, will relieve a large amount of traffic from both South and Corinth streets, by offering an alternate, direct route from Belgrade avenue to Cummins Highway which would completely by-pass both business streets, leaving them free for business activities. Such a street will, we believe, cost very little more than the extension of Belgrade avenue through List place to Washington street and will accomplish a great deal more in the relief of traffic congestion.

At a meeting of the Board held on June 8 it was unanimously voted that the construction of such an alternate street be recommended to your Honor in lieu of the suggestions included in the Council order and that such an improvement will more adequately relieve traffic congestion in the vicinity of Roslindale square.

A map showing the suggestions contained in the Council order and the alternate street recommended by the Board, together with the existing zoning, is appended hereto.

Respectfully submitted,  
WILLIAM STANLEY PARKER, Chairman.

Placed on file.

#### SALE OF BOAT "GEORGE A. HIBBARD."

The following was received:

City of Boston,  
Office of the Mayor, July 21, 1939.  
To the City Council.

Gentlemen,—I forward herewith order for sale of the Institutions Department boat "George A. Hibbard" for an upset price of \$1,000.

The inclosed communication from the Institutions Commissioner discloses that this boat has been in continuous service for twenty-nine years; is in need of repairs which would cost \$10,000; and is not needed for daily service at the present time. It is not contemplated to replace this boat, but to hire, on a daily basis, from time to time, a boat to meet the needs of the island. To hire is estimated not to exceed \$1,000 per year.

In view of the foregoing facts as outlined by the Institutions Commissioner I recommend the passage of the accompanying order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Institutions Department, June 26, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—At the present time the boat "George A. Hibbard," which is the property of the Institutions Department, is at the Lockwood Basin in East Boston. This boat was formerly used as a "spare" between Long Island and Boston. It has been in continuous service for the past twenty-nine years, and time has taken its toll in the working parts of the boiler and machinery, together with much steam rot in the way of the boilers, and as there are two other boats on this schedule running to the island, during overhaul periods and annual United States inspection, namely, "Michael J. Perkins" and "Stephen O'Meara," it would be cheaper to engage a boat by the day.

I do not feel that the cost of putting it back in service would warrant the expenditure. The probable cost would be \$10,000 for necessary repairs and replacements. The boat hire would not exceed \$1,000 for the entire year. I therefore recommend that the boat be sold at public auction with an upset price of \$1,000.

I respectfully request your approval to conduct this sale accordingly.

Respectfully yours,  
HUGH J. CAMPBELL, Commissioner.

Ordered, That the Commissioner of the Institutions Department be, and hereby is, authorized to sell at a duly advertised public auction, the boat "George A. Hibbard," at an upset price of \$1,000.

Referred to Executive Committee.

ORDINANCE AMENDING SECTION 23 OF  
CHAPTER 40.

The following was received:

City of Boston,  
Office of the Mayor, July 21, 1939.  
To the Honorable the City Council.  
Gentlemen,—I transmit herewith copy of letter from John A. Breen chairman of the Boston Housing Authority, and form of ordinance amending section 23 of chapter 40 of the General Laws, relating to restrictions on park frontages on Dorchester way and Strandway.

As Mr. Breen states in his letter, this amendment has the approval of the chairman of the Park Commission, and has been approved as to form by the Corporation Counsel.

I recommend prompt consideration and passage by you of said ordinance.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Boston Housing Authority, July 21, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—The architects for the proposed South Boston project (Mass. 2-2) have advised this Authority that in order to develop the project most advantageously, it is advisable that the corners of two buildings come within twenty feet of Columbia road.

When the proposed plan was presented to Mr. William P. Long, chairman of the Park Commission, he wrote as follows:

"As your housing development is bound to improve this section of the city and consequently the waterfront parkway, I am only too glad to assist in every way to have this project carried out, but in order to do this, the ordinance should be amended so as to eliminate the set-back clause on this portion of Columbia road between Preble street and Vale street—in fact, I would not object to it going as far as I street, as it may tend to further stimulate better housing along this portion of the parkway."

I transmit herewith a form of ordinance amending section 23 of chapter 40 of the

Revised Ordinances of 1925, to which Mr. Long referred, and which the Corporation Counsel has approved as to form.

In order to expedite the work of this project, I recommend prompt adoption of said ordinance.

Respectfully,  
JOHN A. BREEN, Chairman.

Be it ordained by the City Council of Boston, as follows:

Section twenty-three of chapter forty of the Revised Ordinances of 1925 is hereby amended by inserting in the third line hereof, after the word "Strandway", the following: "excepting from Preble street to I street."

Referred to Executive Committee.

REPAIR OF CENTRAL LIBRARY  
BUILDING.

The following was received:

City of Boston,  
Office of the Mayor, July 17, 1939.  
To the City Council.

Gentlemen,—In the 1939 budget appropriations passed by your Honorable Body for the Library Department, no funds were provided for repairing the tile roof of the Central Library building, due to the fact that efforts were being made to reconstruct the entire roof through a W. P. A. or a P. W. A. project, thus saving this annual recurring cost of repairs. Up to the present time it has been impossible to secure the approval of the Federal Government for a W. P. A. project, and new P. W. A. projects are not being accepted by the Federal Government because funds have not been appropriated. The President of the Library Trustees advises me that repairs for the current fiscal year will necessitate the expenditure of approximately \$10,000, and that this work is absolutely necessary for the safety of the building and its contents.

I submit herewith an order transferring the sum of \$10,000 from the Contingent Fund to the B, Contractual Services, group in the budget of the Library Department, and respectfully recommend adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of chapter 261 of the Acts of 1893, the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Contingent Fund, \$10,000, to the appropriation for Library Department, B, Contractual Services, \$10,000.

Referred to Executive Committee.

APPROPRIATION FROM PARKMAN FUND.

The following was received:

City of Boston,  
Office of the Mayor, July 17, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Board of Park Commissioners requesting the transfer of the sum of \$32,000 from the income of the George F. Parkman Fund to the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887.

I submit herewith an appropriation order and respectfully recommend its immediate passage by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, July 13, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—By vote of the Board of Park Commissioners you are respectfully asked to request the City Council to transfer from the

income of the George F. Parkman Fund the sum of \$32,000 which is now available, to be expended under the direction of the Board of Park Commissioners as follows:

Common and Parks in Existence on  
January 12, 1887, Maintenance  
and Improvement of..... \$32,000

When making up the budget estimates for the year 1939 a sum equal to the total yearly income of the George F. Parkman Fund was deducted from Item A-1, Permanent Employees, with the understanding that this deduction was to be replaced by the total yearly income of said Parkman Fund for 1939, to be transferred as it accrued from time to time during the year to the regular maintenance appropriation of the Park Department.

Respectfully yours,  
WILLIAM P. LONG, Chairman.

Ordered, That the sum of \$32,000 be, and hereby is, appropriated from the income of the George F. Parkman Fund, to be expended under the direction of the Park Commissioners, for the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887, as follows:

Common and Parks in Existence on  
January 12, 1887, Maintenance  
and Improvement of..... \$32,000

Referred to the Executive Committee.

#### TWO MILLION TAX TITLE LOAN.

The following was received:

City of Boston,  
Office of the Mayor, July 24, 1939.  
To the City Council.

Gentlemen,—At the present time the total of tax titles in the possession of the city exceeds by over two and one half million dollars (\$2,500,000) the total of outstanding loans secured from the Commonwealth by the pledging of tax titles. In accordance with the established financial policy of the city, I desire to use the major portion of this excess to support further borrowings from the Commonwealth, the proceeds of said borrowings to be applied to the payment of outstanding revenue anticipation notes. I submit herewith an order authorizing the City Treasurer to secure a loan of two million dollars (\$2,000,000) from the Commonwealth and respectfully recommend its adoption by your Honorable Body.

Respectfully submitted,  
MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of chapter 49 of the Acts of 1933 as most recently amended by chapter 288 of the Acts of 1939 the City Treasurer be authorized to obtain the approval of the Emergency Finance Board to the issuance of two million dollars (\$2,000,000), in notes, bonds or certificates of indebtedness of the city, said notes, bonds or certificates to be sold at their face value to the Commonwealth and the proceeds be, and hereby are, appropriated for the purpose of meeting outstanding revenue loans.

Referred to Executive Committee.

#### TRANSFER FOR ZONING BOARD.

The following was received:

City of Boston,  
Office of the Mayor, July 17, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Board of Zoning Adjustment requesting an appropriation of \$1,500 for the operating expenses of this Board for the year 1939.

In compliance with this request, I submit the attached order providing for the appropriation of the required amount from the Contingent Fund, and recommend adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Board of Zoning Adjustment,  
January 10, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—The Board of Zoning Adjustment, constituted under section 20, chapter 488, of the Acts of 1924, voted at its meeting January 4, 1939, to respectfully request an appropriation of \$1,500 from the Contingent Fund to cover operating expenses for the year 1939. In the fifteen years of its existence the Board has had appropriations totalling \$22,000 and there is at the present time a balance of \$219.83. The money has been expended for verbatim records of public hearings, blueprints, postage, automobile hire for inspection trips, personal services, including engineering, drafting, secretarial and clerical work and miscellaneous expenses.

The Zoning Law requires that public hearings be held upon all applications for changes, after public advertisement and notification to all owners of property affected. The law further requires the reporting of the hearings and the filing of a detailed record of all proceedings of the Board in the office of the Building Commissioner, which necessitates verbatim stenographic service. Each case brought before the Board requires investigation of conditions on the ground, and where changes are authorized the preparation of maps therefor, which under the law are filed in the office of the Secretary of State.

While a fee of \$25 is deposited with each petition presented to the Board, this amount is required to be deposited with the City Collector and bears no relation to the expense incurred in the publication of notices and other work made mandatory by the Zoning Act. These constitute an expense much greater than the fee received.

It is the Board's opinion that the sum requested, namely, \$1,500, will be reasonably adequate to carry on its work for the ensuing year.

Respectfully yours,  
FREDERIC H. FAY, Chairman,  
Board of Zoning Adjustment.

Ordered, That the sum of fifteen hundred dollars (\$1,500) be, and hereby is, appropriated, to be expended under the direction of the Board of Zoning Adjustment, for the operating expenses of this Board for the year 1939, said sum to be charged to the Contingent Fund.

Referred to the Executive Committee.

#### DEPARTMENT TRANSFERS.

The following was received:

City of Boston,  
Office of the Mayor, July 21, 1939.  
To the City Council.

Gentlemen,—The attached requests for transfers within departmental appropriations have been examined and investigated by the Budget Commissioner. I accordingly recommend adoption of the accompanying orders by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Assessing Department:

From the appropriation for B, Contractual Services, \$218.70, to the appropriation for C, Equipment, \$218.70.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Board of Appeal:

From the appropriation for B, Contractual Services, \$75, to the appropriation for D, Supplies, \$75.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be,

and hereby is, authorized to make the following transfer in the appropriations for Fire Department:

From the appropriation for D, Supplies, \$7,050, to the appropriation for E, Materials, \$7,050.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Printing Department:

From the appropriation for E, Materials, \$410.74, to the appropriation for C, Equipment, \$410.74.

Referred to Executive Committee.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, viz.:

**Claims.**

James V. Aducci, for compensation for damage to car by city car.

Anna C. Burns, for compensation for injuries caused by an alleged defect at 55 Brooks street, Brighton.

Aubrey Caines, for compensation for damage to car by city truck.

Mrs. P. Cardoza, for compensation for damage to car caused by an alleged defect in Causeway street.

Rachel Chappelle, for compensation for injuries caused by an alleged defect in St. Stephen street.

Bernice Cooper, for compensation for injuries caused by an alleged defect in Camden and Washington streets.

Elinore P. Finneran, for compensation for injuries caused by an alleged defect in Tremont street.

William J. Frawley, Jr., for compensation for damage to car by city truck.

Phillip Gallo, for compensation for injuries caused by an alleged defect at Blackstone School.

Good Will Neighborhood House, for compensation for damage to property at 177 Webster street, East Boston, caused by leak in water main.

Mrs. Richard E. Gould *et al.*, for compensation for damage to property at Rockwell street, Dorchester, caused by bursting water main.

Ralph A. Hatch, for compensation for damage to car caused by an alleged defect in Corey road.

John Lachowicz, for compensation for damage to taxi caused by an alleged defect in Commercial street.

Felix A. Marcella, for compensation for damage to property at 59 Endicott street, caused by water from sewer.

Ursula Martins, for compensation for injuries caused by bullet fired by police officer.

Albert Mezzano, for compensation for damage to property at 70 Bradwood street, caused by water being shut off.

Morse S. Mourad, for compensation for damage to car by city truck.

John C. Newman, for compensation for injuries caused by an alleged defect in front of William Howard Taft School.

Edward J. O'Gorman, to be reimbursed for judgment issued against him.

Charles M. Orne, for compensation for damage to property at 453 Parker street, caused by bursting of water main.

Ella V. Pring, for refund on fee paid for building permit.

Salvatore Scola, for compensation for damage to car by sweeping machine.

Edith M. Smith, for refund of money collected by error.

Agnes M. Tierney, for compensation for damage to property at 453 Parker street, caused by bursting of water main.

**Executive.**

Petition of Mrs. Thomas A. Davis, to be paid an annuity on account of death of her

husband, Thomas A. Davis, late member of the Police Department.

Petition of Helen A. Shugrue, to be paid an annuity on account of the death of her husband, John M. Shugrue, late member of the Fire Department.

**Committee on Ordinances.**

Petition for driveway opening was received from P. DeCristofaro, 505 Old Colony avenue.

**CHANGES IN VOTING PRECINCTS IN WARDS 2, 7 AND 10.**

Notice was received from the Election Commissioners of changes in voting precincts in Wards 2, 7 and 10 (Document 47).

Placed on file.

**APPOINTMENTS BY THE MAYOR.**

Notice was received of the following appointments by the Mayor:

Edward H. Willey, Eva Whiting White, Isabel C. Connelly, William F. Dailey, as Overseers of Public Welfare.

John T. McCarthy, Sophie M. Friedman, John J. Walsh, Joseph H. Sasserno, to be Overseers of Public Welfare.

J. Joseph McCarthy, to be Acting Sealer of Weights and Measures.

Timothy J. Callahan, to be second Assistant Assessor.

Edward Farrell, 42 Imrie road, Brighton, to be Collector of Samples in Health Department.

A. Francis O'Toole, 165 Lasell street, West Roxbury, to be a member of the Board of Appeal, for the term ending April 30, 1944.

**CONSTABLE'S BOND.**

The bond of Harry Greenbaum, approved by the City Treasurer, was received and approved by the Council.

**RENEWAL OF TAX TITLE LOAN.**

Notice was received of the approval by the Emergency State Finance Board of the renewal of tax title loan of \$1,300,000.

Placed on file.

**DISPOSAL OF HIGHWAY FUND RECEIPTS.**

The following was received:

City of Boston,  
Board of Assessors, July 24, 1939.  
To the City Council.

Gentlemen,—Under the provisions of chapter 232 of the Acts of 1939, \$9,600,000 has been distributed from the Highway Fund to the cities and towns of the Commonwealth. Boston has received as its share of this distribution the sum of \$2,063,650. In accordance with the terms of the legislative act authorizing the distribution, this sum will be used by the Board of Assessors, with the approval of the Mayor and the City Auditor, as a deduction "from the amount required to be raised by taxation to meet appropriations made—for highway purposes" as follows:

Maintenance of Street Lighting,	\$581,761 62
Maintenance and Repair of	
Bridges .....	449,483 24
Traffic Policing.....	439,326 45
Maintenance and Repair of	
Streets and Highways.....	416,767 61
Maintenance of Traffic Lights,	
Signs and Signals.....	145,611 08
Snow Removal.....	30,700 00
	<b>\$2,063,650 00</b>

Very truly yours,

EDWARD T. KELLY, Chairman.

Placed on file.

#### APPROVAL OF WELFARE AND W. P. A. PROJECT LOANS.

Notice was received of the approval of the Emergency State Finance Board of loan of \$3,455,000 for welfare and W. P. A. projects. Placed on file.

#### ABSENCE OF MAYOR FROM THE CITY.

Notice was received from the Mayor of his absence from the city from July 22 to August 19.

Placed on file.

#### MINORS' LICENSES.

President MURRAY submitted report recommending that permits be granted to twenty-two newsboys and five bootblacks under usual conditions.

Report accepted; said permits granted.

#### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

The Chair called up No. 1, under unfinished business, on the calendar, viz.:

1. Action on appointments submitted by the Mayor July 10, 1939, of John H. Ratigan and Gerald F. Shea to be Weighers of Goods.

The question came on confirmation. Committee, Coun. Lyons and Galvin. Whole number ballots 18, yeas 15, nays 3, and the appointments were confirmed.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted a report on the petition of Joseph T. O'Halloran (referred June 12) to be reimbursed for amount of judgment issued against him on account of his acts as operator of a motor vehicle belonging to the City Hospital—recommending the passage of the following:

Ordered, That the sum of sixty dollars (\$60) be allowed and paid to Joseph T. O'Halloran in reimbursement for amount of judgment issued against him on account of his acts as operator of a motor vehicle belonging to the City Hospital, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

#### SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in City of Boston for month of July.

Report accepted; said order passed.

#### ADDITIONAL FUNDS FOR W. P. A. ACTIVITIES.

Coun. LANGAN offered the following:

Whereas, Twenty-five thousand W. P. A. workers have lost employment in Massachusetts during the past several months; fifteen thousand additional W. P. A. workers will be dropped before August 31; and all other W. P. A. workers who have had eighteen months' continuous employment must take a furlough for at least thirty days; and all future W. P. A. projects will require a twenty-five per cent contribution by the city; and

Whereas, Relief expenditures by the city will, consequently, show a marked upward rise from present high levels through this latest adjustment of W. P. A. activities; and

Whereas, No additional means of meeting such charges are at hand, in fact, the present income of the city reduced alarmingly since 1930 is not sufficient to meet present current needs; therefore, be it

Resolved, That the City Council of the City of Boston, in meeting assembled, is of the opinion that new and substantial sources of revenue must be forthcoming in order that the relief burden of the city may be met without further hardships on real estate owners in the city; and the City Council, therefore, favors the adoption of measures by the Massachusetts Legislature which will provide sufficient income so that all relief expenses of the Commonwealth may be met from the proceeds of such additional sources of revenue, thus preserving the financial integrity of our cities and towns, and preventing further and higher tax assessments on the taxpayers of our city.

Referred to Executive Committee.

#### APPROPRIATION FROM PARKMAN FUND TO PROVIDE COMFORT STATION AT CHARLESBANK PARK.

Coun. FITZGERALD offered the following:

Ordered, That his Honor the Mayor be requested to recommend an appropriation from the income of the George F. Parkman Fund for the purpose of erecting an underground convenience station for women and children at Charlesbank Park to replace the building formerly used as a gymnasium and convenience station and also included be a locker building to be used as a dressing room for those who patronize the beach, which, at present, is without convenience of any kind.

Passed under suspension of the rule.

#### ACCEPTANCE OF BUILDING CODE AS AMENDED.

Coun. FITZGERALD offered the following:

Ordered, That chapter 479 of the Acts of 1938, entitled "An Act for Codification, Revision and Amendment of the Laws Relative to the Construction, Alteration and Maintenance of Buildings and Other Structures in the City of Boston," as amended by chapter 217 of the Acts of 1939, entitled "An Act Authorizing the City of Boston to Regulate by Ordinance the Inspection, Materials, Construction, Alteration, Repair, Height, Area, Location and Use of Buildings and Other Structures", be, and hereby is, accepted.

Referred to the Special Committee on Building Code.

#### CLEANING EXTERIOR BOSTON CENTRAL LIBRARY BY W. P. A. PROJECT.

Coun. CHASE offered the following:

Ordered, That the Director of the Boston Public Library be requested, through his Honor the Mayor, to sponsor a W. P. A. project whereby the exterior of the Boston Central Library in Copley square will be thoroughly cleaned.

Coun. CHASE—Mr. President, the Boston Public Central Library is perhaps one of the finest pieces of architecture in Boston and is located in one of the most conspicuous spots, one of Boston's prettiest public squares. It is rated as the third largest and finest public library in America. Every year thousands of people from all parts of the world visit this great structure. It was opened to the public in 1895 and during the past forty-four years has accumulated a dirty soot-laden appearance which tends to hide the beauty of the building. It seems to me if the director of the Central Library would sponsor a project for a thorough cleaning of this building the result would tremendously beautify Copley square and give this important building the appearance that it most rightly deserves.

Passed under suspension of the rule.



**TRANSFER OF COMMODITY STATION AT  
HAMPDEN AND EUSTIS STREETS TO  
GEORGE STREET SCHOOL.**

Coun. McMAHON offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Executive Director of the Public Welfare Department, the Boston School Committee and Mr. John J. Stalker of the Surplus Commodities Division of W. P. A., relative to the transfer of the Commodities Station now located at the corner of Hampden and Eustis streets, Roxbury, to the George Street School, George street, Roxbury.

Coun. McMAHON—Mr. President, for some time now we have had in our district a building which has been used for the distribution of commodities and supplies. It is a building which is only one story high and is in very poor condition. Notwithstanding that fact and notwithstanding the fact I have on many occasions tried to have the location of that building transferred, no action has been taken at all. Now the people who are required to come to that particular distribution center come from Wards 8, 9 and 12. They are compelled to line up on the busiest highway in the City of Boston. They are crowded into line there and sometimes that line is one hundred yards long. Those people stand in line from 9 to 12 o'clock in the daytime and if at 12 o'clock in the day they have not yet been taken care of, believe it or not, Mr. President, the attendants at that station go to lunch and close up from twelve to one o'clock. I don't know what the interest of any one is in that building because just around the corner, not over seventy-five yards we have a school which has been abandoned for educational purposes and that school even in its present condition with windows boarded up is one hundred times better for the purposes for which they are using that particular building on Hampden and Eustis streets. There has been some talk of transferring this station to the fire station on Dudley street and I want to be recorded now, Mr. President, as against that proposition, because that is just carrying on what is going on there today and I earnestly hope that this situation will be straightened out and the people will have a better and more proper place to go to get their commodities.

Passed under suspension of the rule.

**NUMBER OF WELFARE EMPLOYEES.**

Coun. McMAHON offered the following:

Ordered, That the Executive Director of the Public Welfare Department be requested, through his Honor the Mayor, to inform the City Council forthwith, whether or not his present force of workers is sufficient to handle the additional applicants for welfare assistance caused by the reduction in W. P. A. forces.

Passed under suspension of the rule.

**PAYMENT OF TAXES ON PROPERTY ON  
WHICH CITY HOLDS LIEN BEFORE  
SUBSEQUENT TAXES.**

Coun. TAYLOR offered the following:

Ordered, That his Honor the Mayor request the City Collector to allow persons owning property upon which the city holds a lien for taxes, to make payments to clear up the tax lien rather than to compel them to pay first all taxes assessed subsequent to the lien.

Coun. TAYLOR—Mr. President, at the present time the City Collector has in vogue a system whereby people who own property upon which the city holds a tax lien are compelled to pay all taxes subsequent to the date of that tax bill and all current taxes before they are allowed to pay any of the taxes upon which the city holds a lien. This is very unfair to those people who are in that situation. It is unfair because it does not give them an opportunity to clear up that tax

lien. It is also unfair because the city is charging upon those balances interest and costs and then again many people who convey property and buy property are deceived in many instances because they are under the impression, when a person pays a later tax, that the prior taxes have been paid. I have in mind recently a conveyance of property where a tax bill for 1938 was shown to the prospective purchaser as paid. He assumed that since 1938 taxes were paid that all prior taxes were also paid. Title was passed and, lo and behold, he found there was a tax lien for \$1,500 for taxes prior to that date. There is no reason for it. A person owning property has a right in my opinion according to the law,—although I have not thoroughly looked into the law,—to pay the taxes first due, and I do not see any reason why the City Collector should take upon himself to compel persons to pay later taxes rather than the prior taxes. As a matter of law, a person paying a bill in ordinary general business has a right to designate which bill he is paying, and I do not see why the situation should be changed in municipal affairs.

Passed under suspension of the rule.

**OPENING TO VEHICULAR TRAFFIC  
TUNNEL AT BROADWAY AND DOR-  
CHESTER AVENUE.**

Coun. HUTCHINSON offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to consider the advisability of opening to vehicular traffic the tunnel at Broadway and Dorchester avenue, which was formerly used by the Boston Elevated Railway for the passage of street cars, but has long been abandoned.

Passed under suspension of the rule.

**RESOLUTION ON LOTTERY.**

Coun. FITZGERALD, for the Committee on Rules, submitted report as follows:

Report on resolution (referred June 26) of Coun. Kelly relative to state lottery—that same ought not to pass.

Report accepted.

Question then came on the passage of the resolve for a plebiscite, in order that the people might determine if the citizens of Massachusetts prefer a state supervised lottery as a substitute for the "soak-the-poor" taxes.

Coun. KELLY—Mr. President, speaking on the resolution. Of course, I realized when I introduced this resolution back on June 26, about a month ago, your honorable President referred it to the Executive Committee and after about a half or three quarters of an hour discussion in the Executive Committee, the Executive Committee voted that it ought to pass. Of course, I realized when it was brought out on the floor of the Council one member of the City Council happened to be in the good graces of the Governor, holding a government job, and I do not blame him there. He asked for a point of order that it be referred to the Committee on Rules, which, naturally, is the graveyard. I realize in this resolution it is a resolution giving the people of the Commonwealth a chance on a plebiscite to say whether they are in favor of a state-wide lottery or in favor of these so-called taxes. I realize also that our main street of Boston, Washington street, was built as a result of a lottery. Harvard College was first built as a result of a lottery and last, but not least, this great Cradle of Liberty, Faneuil Hall, was built as a result of a lottery. I realize that his Honor the Mayor, with his big relief item, namely, this big welfare item, is interested in additional revenue and I realize also, as you can see by the headlines of every Boston newspaper today, that these big lotteries are not on the level and that is why I introduced this resolution that the people of Massachusetts may voice by their plebiscite

whether they are in favor of a state-wide lottery instead of these so-called other taxes.

The resolution was declared adopted.

Coun. SHATTUCK doubted the vote and asked for a roll call.

The resolution was adopted, yeas 11, nays 6: Yeas—Coun. Carey, Englert, Fish, Galvin, Harris, Hutchinson, Kelly, Langan, Lyons, Sullivan, Taylor—11.

Nays—Coun. Chase, Fitzgerald, Irwin, Murray, Shattuck, Wilson—6.

Coun. TAYLOR—I would like unanimous consent to make a statement.

President MURRAY—Councillor TAYLOR asks unanimous consent to make a statement. Is there any objection? There being no objection Councillor Taylor made the following statement.

Coun. TAYLOR—As I understand it, the last resolution was asking for a plebiscite and I was mighty surprised to see members of the Council who got up on the floor on the housing situation and demanded, time after time, that the people ought to be given a right to vote on the ballot, and they shrieked that to the heavens,—to give the people a right to vote,—give them a right to show their sentiment in the matter, and these very individuals in the Council who spoke so vehemently and forcefully and loudly that the people be given an opportunity to speak on the plebiscite on the housing situation, are the very same ones who are refusing the people any voice whatsoever.

Coun. WILSON—I ask unanimous consent to make a statement.

President MURRAY—If there is no objection.

Coun. WILSON—As one of those who voted against this resolution, I frankly admit I cannot quite follow all of the remarks of the gentleman from Ward 12, although I assume they would apply to me as one of those who voted against the adoption of the resolution which also included preamble clauses. I was not present at the meeting of the City Council when this matter was passed in the Executive and then brought out on the floor and referred to the Rules Committee, so I don't know what happened on that day, but as I read the resolution it makes reference to certain "soak-the-poor" taxes without identifying them. It makes certain references which, in my opinion, have no proper place in the body of the resolution and it was for that reason, before the vote was called on this particular order, that I took the trouble to go up and read it, because I frankly admit that if it was a straight order placing the Council in favor of a plebiscite for the people to determine their ideas on lottery I most certainly would have voted in favor of giving the people that opportunity to vote on that or any other subject; but the resolution as drawn, in my opinion, was an improper resolution and for that reason I voted against it and offer no apologies and am still consistent in my stand that the people should be given the right to have a plebiscite on any question in which they are interested, but not an order or resolution drawn to the wording of this particular resolution, and with the preamble clauses that this one contains.

Coun. TAYLOR—Would the councillor yield to a question?

Coun. WILSON—Yes.

Coun. TAYLOR—Do I understand you are in favor of these "soak-the-poor" taxes or these taxes which the Governor has already suggested?

Coun. WILSON—I will be glad to answer the question.

President MURRAY—The Chair will state the resolution has been adopted, and this discussion is out of order.

#### REPAIRING OF BENCHES AT FRANKLIN FIELD BY W. P. A. PROJECT.

Coun. ROSENBERG offered the following:

Ordered, That the Park Department, through his Honor the Mayor, be requested to secure

a W. P. A. project for the repair of benches in Franklin Field and Franklin Park and also for the construction of and the erection of additional benches at convenient places throughout Franklin Park.

Passed under suspension of the rule.

#### DRINKING FOUNTAINS, FRANKLIN PARK.

Coun. ROSENBERG offered the following: Ordered, That the Park Department, through his Honor the Mayor, be requested to erect drinking fountains at the playgrounds on Franklin Park, particularly near the Ball Field.

Passed under suspension of the rule.

#### PLANS FOR ERECTION OF CHILD CENTER IN WARD 9.

Coun. HARRIS offered the following: Ordered, That the Building Commissioner be requested, through his Honor the Mayor, to promulgate plans for the erection of a Child Center at 14 Lambert avenue, corner of Bartlett street, Ward 9.

Passed under suspension of the rule.

#### NEXT MEETING.

On motion of Coun. KERRIGAN, it was voted that when the Council adjourn it be to meet again on Monday, August 7, 1939, at two o'clock p. m.

#### SIDEWALKS ON UNFINISHED SECTION OF ST. ALPHONSUS STREET.

Coun. CAREY offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install sidewalks on the unfinished portion of St. Alphonsus street, Ward 10.

Passed under suspension of the rule.

#### RESURFACING OF PEQUOT STREET.

Coun. CAREY offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving, Pequot street, Ward 10, under the W. P. A. type of construction.

Passed under suspension of the rule.

#### ROPING OFF PORTION OF COMMON FOR ALEPPO TEMPLE FIELD DAY.

Coun. WILSON offered the following: Ordered, That the City Messenger be authorized to rope off such portions of Boston Common as may be necessary for parade and field day of Aleppo Temple and associated organizations on August 26, 1939, the expense to be charged to the appropriation for Flags, Ropes and Stakes.

Passed under suspension of the rule.

#### INFORMATION REQUESTED FROM ASSESSING DEPARTMENT.

Coun. WILSON offered the following: Ordered, That the Assessing Department, through the Acting Mayor, inform the City Council promptly what was the total assessed value of the thirty parcels of real estate adjacent to Old Harbor Village (a) on January 1, 1938, (b) January 1, 1939.

Passed under suspension of the rule.

**INFORMATION REQUESTED ON AMOUNT PAID BY UNITED STATES GOVERNMENT FOR SITE OF OLD HARBOR VILLAGE.**

Coun. WILSON offered the following:  
 Ordered, That the Boston Housing Authority, through the Acting Mayor, inform the City Council the amount that was paid by the United States Government or its agencies for the present site of Old Harbor Village.  
 Passed under suspension of the rule.

**INFORMATION REQUESTED FROM BOSTON HOUSING AUTHORITY.**

Coun. WILSON offered the following:  
 Ordered, That the Boston Housing Authority, through the Acting Mayor, be requested to promptly advise the City Council, (a) in response to order passed May 1, 1939, concerning schedule of disposition of \$20,000 appropriation voted by the Council on February 23, 1938, (b) in response to order passed May 1, 1939, concerning commissions paid to persons obtaining signed options on parcels of real estate incident to proposed housing projects, (c) in response to order passed June 5, 1939, concerning various inquiries; and further  
 Ordered, That the Boston Housing Authority, through the Acting Mayor, advise the City Council whether the Housing Authority has, as yet, made the financial report to the Mayor of Boston concerning operations during 1938, required by the Acts of 1938, chapter 484, section 26EE.  
 Passed under suspension of the rule.

**REMOVAL OF ATLANTIC AVENUE STRUCTURE.**

Coun. WILSON—Mr. President, I ask unanimous consent to make a statement, asking a question.  
 President MURRAY—If there is no objection.

Coun. WILSON—Mr. President, on July 10, two weeks ago, the City Council passed the following order under suspension of the rules:  
 "Ordered, That the Committee on Legislative Matters of the Boston City Council be, and said committee hereby is, instructed to urge the Joint Rules Committee of the General Court to substitute for House Bill 116 of 1939 the bill indorsed by the City Council on June 12, 1939, with reference to removal of the Atlantic avenue structures, and that said committee press enactment of said substituted bill before all committees, and the Senate and House of Representatives of the General Court."

Naturally, I am familiar with the fact that the Committee on Legislative Affairs of the Council is composed of Councilors Norton, Shattuck, Fitzgerald and Irwin, with Norton, who has been out of town, as chairman, which I suppose moves it down to Councilor Shattuck if available, or Councilor Fitzgerald or myself. I certainly seriously urge, Mr. President, action by the Legislative Committee under whatever available chairman you may have, in accordance with the vote of the City Council on the 10th of July, asking for some definite action on the part of the Legislature this year before the General Court adjourns. We have had a great deal of discussion about the demolition of the Atlantic avenue structure. The Council backed an order which I introduced as long ago as the 3d of October, 1938, and there has been some opinion given by the Corporation Counsel of Boston to the effect either that the General Court has not the authority to pass such legislation or, rather, that if they do pass it the City of Boston might be held or would be held liable for damages. The contrary opinion is held, apparently, by the legal lights of the Boston Finance Commission and this past week I read in the newspapers of the opinion from the office of the Attorney-General

of the Commonwealth of Massachusetts agreeing with the stand which we have taken that the Legislature can pass an act which will favor the early demolition of the Atlantic avenue structure and in view of the fact that the structure was abandoned last autumn that the City of Boston would not and need not be held liable for damages. Now the Legislature will be going home or on their vacation within a week or two. Presumably they won't even meet next year. Personally, I believe the matter of this junk pile on Atlantic avenue is a fairly important item. It is not an item that should be allowed to gather dust on the shelf for a year or two years and as I stated when we originally passed this order on July 10, I believe that with all the matters that we do interest ourselves in, this matter of the Atlantic avenue elevated structure is an important one. Therefore, I would ask whether we have any advice as to possible action of the Legislative Committee this week, in accordance with the Council order of July 10, to press this matter before the General Court, and if Councilor Norton is absent, whether Councilor Shattuck would call a meeting of the committee for that purpose.

President MURRAY—Is any one present who desires to speak for the Legislative Committee?  
 Coun. WILSON—I assume the chairman is Councilor Norton and I assume in his absence Mr. Shattuck would move to that office, after which Mr. Fitzgerald, but I do not believe that in the absence of Councilor Norton, who deserves his vacation, we should hold up this matter. We all need a vacation now and then. May I ask Councilor Shattuck if he could call a meeting of the committee this week?

Coun. SHATTUCK—Mr. President, a meeting of the Legislative Committee to consider the action on this bill?

Coun. WILSON—By our vote on July 10, the Legislative Committee were directed to take action on the bill, but our chairman is temporarily absent and I suppose somebody should call a meeting at an early date.

Coun. SHATTUCK—I don't know whether I have authority to call a meeting. Furthermore, I do not subscribe to the statement that is what the Attorney-General said and while discussing it it is a good time to clear up the question of what the Attorney-General did say. My impression was, from what I read in the paper, that he did not commit himself on the question of damages. He left open the question of whether if we undertake to destroy the elevated structure, whether we wouldn't be subject to damages. I don't think that question was settled.

Coun. WILSON—Well, the only thing I was interested in this afternoon was the order passed on July 10 which directs the committee, of which I am a member, to do certain things, namely, to press with the Legislature the substitution of a bill. The chairman of the committee is not present. I would be glad to have the Chair designate a chairman for the committee or direct the next ranking man to act as chairman, but I do not think we ought to be too technical on the subject. It is an important subject and I think the committee should get busy before the Legislature goes home.

President MURRAY—The Chair will request the Clerk of Committees to call a meeting of the Committee on Legislation.

Coun. WILSON—I hear the Clerk of Committees is away, so could you get somebody else? Perhaps the Assistant Clerk of Committees.

President MURRAY—The matter will be taken care of.

**TURNING ON OF SHOWER BATHS IN FIELD HOUSES AT PLAYGROUNDS.**

Coun. CAREY offered the following:  
 Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to immediately arrange to turn on the shower baths in all field houses at playgrounds throughout the city where such showers are not now in use.

Coun. CAREY—It has been called to my attention that the shower baths in the field house at the Parker Hill Playground are not in use this summer. Now, the summer season is fast coming to a close and I don't see any purpose in having showers in the field houses if they are not kept in use, so the young boys and girls may have the benefit of them, and I hope this matter will be given the attention of the Park Commissioner that the showers be turned on in all field houses and all playgrounds without further delay.

Passed under suspension of the rule.

#### RUBBISH CLEANED FROM VACANT LOTS.

Coun. CAREY offered the following:

Ordered, That the Health Commissioner and Police Commissioner be requested, through his Honor the Mayor, to make a survey of all vacant lots throughout the city, whether owned by the city or privately, which lots are being used for the dumping of rubbish, and to contact the owners of these lots and request that such rubbish be cleaned up and that the lots be kept clean in the future.

Coun. CAREY—It has been brought to my attention by residents in my district, and I dare say this practise is one that is carried out throughout the entire city, of the people using vacant lots of land to dump all sorts of rubbish and junk on. That practise not only hurts the value of the real estate but is a nuisance and menace to the adjoining houses in the district. I think the matter can be remedied by the cooperation of the Health Commissioner. It will certainly help the City of Boston at all times of the year, but especially in the summer months, to see these lots kept in some sort of respectable appearance and I hope action will be taken as requested in that order.

Passed under suspension of the rule.

#### RENTING OF YOUNG'S HOTEL IN LIEU OF TAXES.

Coun. CHASE offered the following:

Ordered, That his Honor the Mayor submit a complete report as to the reason why the City of Boston has agreed with the owner of the Young's Hotel to accept, in lieu of taxes, the privilege of renting the property to the city, and why it would not be better to foreclose for nonpayment of taxes.

Coun. CHASE—Mr. President, I brought that issue up before on this floor, but as yet no one has explained to my satisfaction why the City of Boston should be renting property at Young's Hotel when it has the right under the law to foreclose and take the property. Now, Mr. President, we have had a lot of talk on this floor in the past and we probably will have in the future about "soak-the-poor" on account of taxes. We all know the reason why we have to pay taxes is because of governmental expenses, because of mismanagement of government. Everything the city buys and the city erects costs money, and the only way they can get that money is through taxes, and the same thing applies, Mr. President, to State expenditures and to Federal expenditures. Every suit that is bought, every poor man that pays \$15 or \$20 for a suit pays anywhere from \$3 to \$5 hidden taxes. Every housing project that goes up supposed to benefit the poor is soaking the poor in the form of hidden taxes. There is only one way, Mr. President, to evade taxes, and that is by economy in government, and the only way to have economy in government is by proper management and I contend, inasmuch as the City of Boston is paying in the vicinity of \$30,000 to \$40,000 for outside rental, that we should foreclose the Young's Hotel and house the Finance Com-

mission and other governmental agencies in that building and save that rental and I would like to know, Mr. President, as I have said in the past, why the City of Boston should not foreclose on that property and use that building to house agencies that we have to pay rent for.

The order was passed under suspension of the rule.

#### INCLUSION OF BASKET BALL IN HIGH SCHOOL SPORTS CURRICULUM.

Coun. IRWIN offered the following:

Ordered, That the Boston School Committee be requested, through the Acting Mayor, to consider the advisability of including basketball in the sports curriculum of the Boston high schools during the coming year.

Coun. IRWIN—Mr. President, I am not going to bore the members of the Council with any lengthy talk on basket ball because on two previous occasions I introduced the same order, but the School Committee in their wisdom saw fit to turn it down. The second request for considering basket ball was met with just a mere continuance of the first answer. I asked the School Committee at that time to take a poll of the students in the schools to see if it was popular. The sports we have for high school students should be the ones that are most desirable. I made a personal call on the member of the School Committee from South Boston and was surprised at the lack of knowledge he had regarding basket ball and the facilities available in the schools controlled by the Board of which he is a member. I spoke to Mr. White and although he was a former athlete of Boston College I was surprised at the lack of knowledge he had regarding the expense it would entail and how cheap it could be run. I personally think that those men who are members of the School Board, if they have the interest of the children at heart, if they desire to see sports in high schools that the children desire, will make an extensive study and a poll of the students to find out what they want, and not merely pass it aside with a few remarks. I am of the belief that if Mr. White and the doctor from South Boston are really sincere in the talk I had with them, they will give this matter a great deal of attention. I also am introducing this order for the third time because at a meeting held before a Council committee relative to the playgrounds for the West End, I asked School Committeeman Lee what he knew about the activities of the children and what they desired, and I was surprised that Mr. Lee at that time said in all truthfulness that he didn't attend the meeting whereby the School Committee turned down the request of this Council and that he personally would like an opportunity to vote on it, as he was in favor of it. He said that publicly before an audience of 300, so I am again introducing this order so Mr. Lee may have his opportunity to vote for it and if Mr. White and the doctor from South Boston again turn it down, to show to the people,—and I think the doctor is a candidate for election in a few months,—to show the ignorance they have relative to the desires of the pupils in high schools.

The order was passed under suspension of the rule.

#### RECESS.

President MURRAY—The Chair would advise the Body that there are matters referred to the Executive Committee which require fifteen votes and would ask the members to stay after the recess.

On motion of Coun. IRWIN, the Council voted at 3:25 to take a recess subject to the call of the Chair. The members reassembled in the Council Chamber and were called to order by President MURRAY at 4:45 p. m.

EXECUTIVE COMMITTEE REPORTS.

Chairman WILSON, for the Executive Committee, submitted the following:

1. Report on order (referred July 24) for procuring portrait of Coun. Mildred G. Harris—that same ought to pass.

Report accepted; order passed.

2. Report on petition (referred May 1) that Frances E. Dolan be paid an annuity on account of the death of her husband Charles F. Dolan, late member of the Fire Department—recommending passage of the following order:

Ordered, That under the provisions of chapter 340 of the Acts of 1933, an annuity of one thousand dollars be allowed and paid to Frances E. Dolan, widow of Charles F. Dolan, a member of the Fire Department, who died on August 27, 1931, on account of injuries received in the performance of his duty, said annuity to continue so long as she remains unmarried; the payments to date from August 27, 1931, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted; said order passed.

3. Report on message from Mayor and orders (referred this day) for transfers within the Assessing Department, Board of Appeal, Fire Department and Printing Department—that several orders ought to pass.

Report accepted; said orders passed, yeas 19, nays 0.

4. Report on message from Mayor and order (referred this day) for loan of two million dollars against tax titles—that order ought to pass.

Report accepted. Question came on the first reading of the order, yeas 19, nays 0, and the order received its first reading.

5. Report on the message and order (referred this day) for the transfer of \$32,000 from the income of the Parkman Fund to the Maintenance and Improvement of the Common and Parks in Existence January 12, 1887,—that same ought to pass.

Report accepted; said order passed, yeas 18, nays 0.

6. Report on resolution (referred this day) by Coun. Langan concerning new sources of revenue—that same be referred to the Committee on Rules.

Report accepted and the resolution was declared referred to the Committee on Rules.

Coun. WILSON—Because I understand there is another order going in, I ask for a roll call.

President MURRAY—The Chair understands there is no further order to be introduced.

The resolution stood referred to Committee on Rules.

AMOUNT SPENT ON REPAIRS, CENTRAL LIBRARY, 1928-33.

Coun. WILSON offered the following:

Ordered, That the Budget Commissioner be requested, through the Acting Mayor, to advise the City Council at once the amount actually expended during each of the ten years 1928 to 1938, inclusive, for repairs on the roof of the Central Library building in Copley square.

Passed under suspension of the rule.

SHOWER BATH IN COPLEY SCHOOL, CHARLESTOWN.

Coun. GALVIN offered the following:

Ordered, That his Honor the Mayor request the Boston School Committee to place in operation the shower baths at the Copley School in Charlestown.

Passed under suspension of the rule.

INVESTIGATION OF PROPERTIES EXEMPT FROM ONE THIRD OF TAXES.

Coun. KELLY offered the following:

Ordered, That his Honor the Mayor be requested to have an immediate investigation of

all properties exempt from one third of their assessed taxes under chapter 59, section 5, clauses 3 and 4, and if such investigation warrants that legislation be introduced so that only the proper parties will hereafter gain exemption under the above act.

Coun. KELLY—Mr. President, my reason for introducing this order is I understand under chapter 59, section 5, clauses 3 and 4, the only ones who are entitled to one third taxes are organizations such as library organizations, charitable, benevolent, scientific and temperance organizations. Now I understand, Mr. President, that there is a certain building up in Ashburton place that was recently assessed in the year 1938 for a half a million dollars and under this clause they are entitled to \$165,000 exemption, and they recently had a decision from the Appellate Tax Board cutting their assessment from half a million to \$315,000, allowing to be exempt \$105,000. It is in this same hall where the Communists and Socialists of the City of Boston hold their meetings, and I was wondering if they come under this exemption. That is why I am asking the Mayor to order this investigation of all properties so we might get at the right parties.

The order was referred to the Executive Committee.

STATEMENT ON EASTERN MASSACHUSETTS BUS TERMINAL.

Coun. TAYLOR—I ask unanimous consent to make a statement, Mr. President.

President MURRAY—If there is no objection.

Coun. TAYLOR—Mr. President, I read in the newspapers recently of a case of the Department of Public Utilities with reference to granting permit to the Eastern Massachusetts Railway Company, for them to operate buses from Fall River through the heavy traffic streets such as Blue Hill avenue, Seaver street and Columbus avenue. Once again the legislators on Beacon Hill from the small towns have demonstrated they are going to take away home rule from Boston and give to the people of this city what they think is best for them and not what the people who represent them think is best for them. It only indicates, Mr. President, what large corporations can do up there on Beacon Hill by their powerful lobbying methods and they will force down the throats of the people of this city something that they do not want. The City Council will not assume any responsibility for the deaths and injuries that occur to the people, including the children from Ward 17, the district of the councilor who is so anxious to see this bus line go through, and they are bound to occur to the people of our district. The people of Boston elect their representatives because they feel that they are able to act for them and now in one special instance the Legislature, together with his Excellency the Governor, and together with the Department of Public Utilities, have seen fit to force down the throats of the people of Boston something that they do not want.

ABATING FIVE-CENT CHARGE TO BOSTON SWIMMING POOLS.

Coun. LANGAN offered the following:

Ordered, That the Park Commissioner be requested, through the Acting Mayor, to consider the advisability of abating the five-cent entrance charge to the tank at Curtis Hall and other city-owned swimming pools in order that children who find it impossible to enjoy the benefits of the beach will have an opportunity to have a chance to swim during the summer months.

Passed under suspension of the rule.

INVESTIGATION OF BUSES USING  
STREETS FOR STATIONS.

Coun. FITZGERALD offered the following:

Ordered, That a special committee of five members be appointed for the purpose of investigating whether or not buses have the right to use the streets of Boston for station purposes without a change in ordinance.

Coun. FITZGERALD—I find in the city of New York that these bus companies haven't any right to use the streets as they are using all our streets in our city. They should be compelled, in my opinion, to provide a station for that purpose. The railroads of this country are suffering badly. They have been taxed to the limit and we find these bus companies are coming to Park square, which is going to make a hazard to use the public streets of our city without paying any tax or fee. Now, the City Council went on record some time ago with a fee schedule that was exorbitant enough to drive people out of business, and yet we allow these companies to come in here and use our streets without paying any fee whatsoever or any tax whatsoever and pass all kinds of taxes that are severe, and allow these gigantic corporations who are vastly becoming a great menace to use our streets without any charge whatsoever. In Fall River, which is the home of the Eastern Massachusetts, they have a beautiful station built there and they should be compelled to do the same thing in Park square, and I am asking that a committee of the Council be appointed to investigate this matter.

The order was declared referred to Committee on Rules.

Coun. GALVIN—On that order before it goes to the Committee on Rules, I claim that it should be sent to the Ordinances Committee. Only within the last week or ten days from the newspapers we see where a local railroad that is running from Boston to Winthrop is having to close up its business and the Eastern Massachusetts Railway uses all the highways and byways without any expense whatsoever to their company and I believe the maintenance cost should be put on the various bus companies and an ordinance set up to that effect. I believe it should be sent to the Committee on Ordinances.

President MURRAY—The Chair has referred the matter to the Committee on Rules.

Coun. ROSENBERG—I ask unanimous consent to make a statement, Mr. President.

President MURRAY—The Chair hears no objection.

Coun. ROSENBERG—I feel that the order introduced by Councilor Fitzgerald undoubtedly will be referred to the proper committee by the chairman and I am fully in accord with the remarks of the councilor from Ward 3 to the effect that these bus companies are utilizing the streets of the City of Boston, frankly, I believe, to the detriment of the residents of the City of Boston,—the Legislature granting them

the power and the Public Utilities granting them powers to use our streets without paying any taxes or service charge, without paying its franchise rights and endangering the lives of the citizens of Boston and they should be brought to some realization and to some responsibility in coming into the city. I was, perhaps, one of those who waged a battle on the floor of this Council and was glad to have the cooperation of a majority of this Body, which supported me on a petition being passed by the City Council, because I believe the members here know the conditions existing in Boston, know what is best for us and what will be for the convenience for the purpose of transportation and safety for the residents of Boston. As I have stated, we continuously see the signs posted "Park where the Elevated begins" in order that additional revenue might come to the Elevated and people may go into downtown Boston with speed and without being delayed by the traffic congestion that confronts them. Blue Hill avenue and other sections are already overtaxed with traffic, and I hope as a result of the reference of this measure there will be some realization brought to the Public Utilities of the Commonwealth of Massachusetts and the various transportation companies that Boston is entitled to a proper compensation for their right to come into the city.

Coun. TAYLOR—Mr. President, that was an order asking that the President appoint a special committee. As to whether or not it should be referred to the Rules, or whether or not this Body should vote on whether a special committee should be appointed, there is a doubt in my mind.

President MURRAY—The Chair referred the matter according to the rules to the Committee on Rules.

Coun. LANGAN—I ask unanimous consent to make a statement.

President MURRAY—The Chair hears no objection.

Coun. LANGAN—At the last meeting of the Council I introduced an order addressed to his Honor the Mayor requesting the Park Commissioner to open the tennis courts. About four years ago an initial expenditure of \$5,000 was made for tennis courts and in about six months, upon complaint of three or four individuals who live on property adjoining the tennis courts, the Park Commissioner saw fit to close them and today in response to my order the Park Commissioner has refused to reopen those tennis courts. I want to inform the constituents of my ward who are involved that I shall do everything in my power to see that this initial investment of \$5,000 shall not be dissipated because of the individual objections of a few people.

Adjourned, on motion of Coun. WILSON, at 5.10 p. m., to meet on Monday, August 7, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, August 7, 1929.

Regular meeting of the City Council at Faneuil Hall, at 2 p. m., President MURRAY in the chair. Absent, Coun. Agnew, Harris and Shattuck.

## JURORS DRAWN.

Jurors were drawn under the law, Coun. TAYLOR presiding at the box, as follows:

Sixty-nine traverse jurors, Superior Criminal Court, to appear September 11, 1929:

Carl A. Carlson, Ward 1; John P. Salerno, Ward 1; John C. Harrold, Ward 2; Theodore B. Reardon, Ward 2; Aaron Astrin, Ward 3; Harry L. Goldfarb, Ward 3; Joseph Singer, Ward 3; Walter S. Brackley, Ward 4; Daniel J. Keane, Ward 4; George W. Macdonald, Ward 4; John D. Clifford, Ward 5; John L. Dane, Ward 5; Carl N. Freeman, Ward 5; Daniel W. Gurnett, Ward 5; James R. Hammond, Ward 5; Leon H. Parker, Ward 5; Frank D. Ward, Ward 5; Charles R. Hawley, Ward 6; Patrick J. Lee, Ward 6; Herman W. Menslage, Ward 6; Thomas J. O'Brien, Ward 6; Charles V. Powers, Ward 6; James W. Wyman, Ward 6; William J. Cronin, Ward 7; Fred H. Dunker, Ward 7; Thomas J. Melody, Ward 7; Roger A. Cabell, Ward 8; William J. Callahan, Ward 8; James J. Olsen, Ward 8; Walter F. Adams, Ward 9; Edward C. Austin, Ward 9; Harris Werner, Ward 9; John P. Grady, Ward 10; Francis P. McCaffrey, Ward 10; Thomas F. Warren, Ward 10; Kenneth Crowell, Ward 11; Thomas F. Kilroy, Ward 11; Arthur J. Lewis, Ward 11; Frederick A. Willoth, Ward 11; A. Richard Mahler, Ward 12; Dennis Cadigan, Ward 13; John Elliott, Ward 13; Thomas A. Griffen, Ward 13; Abraham Davis, Ward 14; Samuel Goodman, Ward 14; William Honigsberg, Ward 14; Albert C. Jorgensen, Ward 14; Philip Klein, Ward 14; Max Rosenberg, Ward 14; Hyman Winer, Ward 14; John J. Donnelly, Ward 15; John L. Maguire, Ward 16; Charles M. McGowan, Ward 16; Charles A. O'Donnell, Jr., Ward 16; Richard F. Delaney, Ward 17; James H. Mann, Ward 17; Francis A. Alexander, Ward 18; John B. Black, Ward 18; Theodore R. Cassford, Ward 18; James R. Fallon, Ward 18; Leonard D. Allen, Ward 19; Patrick M. Kelly, Ward 19; George F. Murphy, Ward 19; Charles H. Lewis, Ward 20; Francis S. Lane, Ward 20; Harold B. Young, Jr., Ward 20; Jesse H. Gove, Ward 21; James S. Lerman, Ward 21; John J. Ring, Ward 22.

One hundred thirteen traverse jurors, Superior Civil Court, July Sitting, to appear September 11, 1939:

Arthur Vincent Abate, Ward 1; Edward H. Betts, Ward 1; Roderick Cameron, Ward 1; Nicholas Caprio, Ward 1; George Connelly, Ward 1; Edward A. Crowley, Ward 1; Thomas M. Delaney, Ward 1; Stephen H. Gagnan, Ward 1; Antonio Graziano, Ward 1; Edward Hegner, Ward 1; John F. Kribs, Ward 1; Joseph LoDuca, Ward 1; Nicholas Mazzeo, Ward 1; Thomas Merigan, Ward 1; Gifford D. Wilcox, Ward 1; James P. Buckley, Ward 2; Timothy F. Buckley, Ward 2; Frederick J. Daly, Ward 2; James F. McInness, Ward 2; John W. Morrissey, Ward 2; George Dayie, Ward 3; James F. Horgan, Ward 3; William N. Sweeney, Ward 3; Charles W. Fowler, Ward 4; Francis D. Leonard, Ward 4; Crawford Livingston, Ward 4; Frank H. Mansell, Ward 4; Peter A. Reilly, Ward 4; Laurence H. Stanley, Ward 4; Alfred J. Acres, Ward 5; John Ambrose, Ward 5; Bartholomew Joseph Foley, Ward 5; Walter E. Lewis, Ward

5; Allesandro deBrasch Santarelli, Ward 5; John J. Daley, Ward 6; John A. Healy, Ward 6; Walter T. McKinley, Ward 6; Michael Prudente, Ward 6; Harold G. Thurston, Ward 6; James J. Barry, Ward 7; Michael J. Donovan, Ward 7; Daniel L. Lothrop, Ward 7; John F. O'Connor, Ward 7; Daniel M. Hart, Ward 8; John J. McCue, Ward 8; Charles A. Mullen, Ward 8; Edward T. Richardson, Ward 8; Patrick F. Gallagher, Ward 9; James J. Galvin, Ward 9; Frederick J. Soule, Ward 9; John J. Burke, Ward 10; Maurice L. Fitzgibbons, Ward 10; Alwyn C. Johnson, Ward 10; Thomas B. Lacey, Ward 10; Edward J. Lyons, Ward 10; John Maxwell, Ward 10; James W. McNichols, Ward 10; John F. Nugent, Ward 10; Thomas Sheil, Ward 10; Edmund F. Ward, Ward 10; John J. Fleming, Jr., Ward 11; Raymond A. McDermott, Ward 11; John F. Wash, Ward 11; William J. Anderson, Ward 12; Walter J. Gillis, Ward 12; Israel Greenberg, Ward 12; Patrick M. Hoar, Ward 12; Peter Martin, Ward 12; John P. Hennessey, Ward 13; Walter V. Riley, Ward 13; Morris Abrams, Ward 14; William L. Baker, Ward 14; Arthur C. Bluestein, Ward 14; James Johnston, Ward 14; Reuben Raffelson, Ward 14; Neil Stepper, Ward 14; Samuel Yaffa, Ward 14; John G. Cameron, Ward 15; Henry J. Finn, Ward 15; John D. MacDonald, Ward 15; David H. Meffan, Ward 15; George F. Parker, Ward 15; Jeremiah Sullivan, Ward 15; John A. F. McKenna, Ward 16; Frederick L. Sullivan, Ward 16; Morris C. Brennan, Ward 17; Peter Hendricks, Jr., Ward 17; Albert C. Johnson, Ward 17; William D. McCauley, Ward 17; Howard R. Scott, Ward 17; Joseph A. Young, Ward 17; James W. Adams, Ward 18; George J. Baer, Ward 18; Gilbert P. Hogan, Ward 18; Joseph L. House, Ward 18; James W. O'Neill, Ward 18; Leo S. Vaughan, Ward 18; Thomas G. Flynn, Ward 19; Richard J. Foley, Ward 19; Henry Pfeiffer, Ward 19; Stanton H. Becker, Ward 20; William J. Bonning, Ward 20; James J. Cronin, Ward 20; John F. Shea, Ward 20; John V. Travers, Ward 20; Carl J. Lynch, Ward 21; William P. Murphy, Ward 21; Harold Miller, Ward 21; Thomas H. Andrews, Ward 22; Bernard F. Devine, Ward 22; William D. Farrell, Ward 22; Maurice Flynn, Ward 22; John F. Gannon, Ward 22.

## REPAIRING BENCHES AT FRANKLIN FIELD.

The following was received:

City of Boston,  
Office of the Mayor, August 4, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of July 24, 1939, concerning the repairing of benches in Franklin Field and Franklin Park and also for the construction of the and the erection of additional benches at convenient places throughout Franklin Park.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, August 2, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of July 31, with inclosure, order from the city councilor, that the Park Department submit a project for the repair of benches.

A project of this type has been submitted again and again and has been turned down, with the statement that this is maintenance, and W. P. A. workers cannot be allowed to do same.

We have now a project somewhere in the various offices of the W. P. A. to erect new benches in various parts of the city.

Very truly yours,  
WILLIAM P. LONG, Chairman,

Placed on file.

**DRINKING FOUNTAINS AT FRANKLIN PARK.**

The following was received:

City of Boston,  
Office of the Mayor, August 4, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of July 24, 1939, concerning the erection of drinking fountains at the playgrounds on Franklin Park; particularly near the ball field.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, August 2, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of July 31, with inclosure, order from the City Council that the Park Department erect drinking fountains at the Playstead in Franklin Park.

At the present time we have drinking fountains on all sides of this Playstead, also drinking fountains in the main building just under the arch. I do not think it is advisable

to put drinking fountains among the baseball diamonds, and anybody using the field can obtain water on all sides. Water is also available at the tennis and golf courses.

I will, however, have an inspection made of our drinking fountains and see if it is possible to make up a project to install additional ones.

Very truly yours,  
WILLIAM P. LONG, Chairman.  
Placed on file.

**VALUATION OF PROPERTY ADJACENT TO OLD HARBOR VILLAGE.**

The following was received:

City of Boston,  
Office of the Mayor, August 4, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Principal Assessor relative to your order of July 24, 1939, concerning the total assessed value of the thirty parcels of real estate adjacent to Old Harbor Village, (a) on January 1, 1938, and (b) on January 1, 1939.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Board of Assessors, August 4, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—Answering your memorandum of July 31 inclosing an order from the City Council requesting the Assessing Department to furnish information on the total assessed values of the thirty parcels of real estate adjacent to the Old Harbor Village as of January 1, 1938, and January 1, 1939, I inclose herewith the information requested.

Very truly yours,

JOHN C. L. DOWLING,  
Principal Assessor in Charge of Administration.

Parcels of Real Estate Adjacent to Old Harbor Village.

WARD.	Street and Number.	Total Assessments.	
		1938.	1939 Not Yet Fixed.
7-A.....	10 General W. H. Devine Way.....	\$2,200	\$2,200
	6 General W. H. Devine Way.....	2,500	2,500
	622 Dorchester Avenue.....	5,000	5,000
	Corner Mohawk and Devine Way.....	3,000	3,000
	20 Carpenter Street.....	2,500	2,500
	Rogers Street, Corner Devine Way.....	5,300	3,500
	Mohawk Street.....		1,100
	General W. H. Devine Way, Corner Wendell.....	700	700
	44 General W. H. Devine Way.....	7,200	12,000
	54 Rogers Street, Corner Devine Way.....	2,500	2,500
	16 Wendell Street, Corner Devine Way.....	2,700	2,700
	7-C.....	60-66 Devine Way, Corner Ward Street.....	1,200
626 Dorchester Avenue.....		8,200	10,000
630 Dorchester Avenue.....		4,900	4,900
632 Dorchester Avenue.....		4,800	4,800
634 Dorchester Avenue.....		4,800	4,800
636 Dorchester Avenue.....		4,700	4,700
648 Dorchester Avenue.....		8,400	8,400
654 Dorchester Avenue.....		3,300	3,300
656 Dorchester Avenue.....		3,300	3,300
666 Dorchester Avenue.....		36,400	36,400
670 Dorchester Avenue.....		4,800	4,800
Vacant Land, East Side Dorchester Avenue.....		600	600
Vacant Land, Northeast Corner Dorchester Avenue.....		3,200	3,200
Vacant Land, Corner Kemp and O'Connor Way.....		5,100	5,100
Vacant Land, O'Connor Way, West Side.....		2,600	2,600
New Haven R.R. at Dorchester Avenue.....	900	900	
690 Dorchester Avenue.....	2,500	3,800	
2 Kemp Street.....	2,000	2,500	
4 Kemp Street.....	2,000	2,200	
South Side General W. H. Devine Way (19,905 Feet).....	4,900	5,900	

Placed on file.



CONVENIENCE STATION AT CHARLES-BANK PARK.

The following was received:

City of Boston,  
Office of the Mayor, August 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of July 24, 1939, concerning the erection of an underground convenience station for women and children at Charlesbank Park to replace the building formerly used as a gymnasium and convenience station, and also to be included a locker building to be used as a dressing room for those who patronize the beach.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, August 2, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of July 31, with inclosure, order from the City Council requesting his Honor the Mayor to recommend an appropriation from the income of the George F. Parkman Fund for the purpose of erecting an underground convenience station for women and children at Charlesbank, etc.

George A. Murray,  
Acting Mayor.

Dear Sir,—I am in receipt of your communication of July 31, 1939, inclosing City Council order passed July 24, 1939, and reading as follows:

"Ordered, That the Budget Commissioner be requested, through the Acting Mayor, to advise the City Council at once the amount actually expended during each of the ten years 1928 to 1938, inclusive, for repairs on the roof of the Central Library Building in Copley square."

In reply to the above order the following table is submitted showing the amount expended for the years mentioned:

	Roof Repairs.	Cost of Tiles.	Total Cost Tiles and Repairs.
1928.....	\$9,805 34	.....	\$9,805 34
1929.....	11,276 80	980 00	12,256 80
1930.....	4,614 94	.....	4,614 94
1931.....	6,741 07	.....	6,741 07
1932.....	.....	.....	.....
1933.....	925 00	1,911 00	2,836 00
1934.....	.....	980 00	980 00
1935.....	4,652 40	980 00	5,632 40
1936.....	5,113 00	2,352 00	7,465 00
1937.....	7,517 02	5,703 99	13,221 01
1938.....	6,530 39	7,683 99	14,214 38
Totals.....	\$57,175 96	\$20,590 89	\$77,766 94

Respectfully,  
FRANCIS X. LANG,  
Budget Commissioner.

Placed on file.

CLEANING OF RUBBISH FROM VACANT LOTS.

The following was received:

City of Boston,  
Office of the Mayor, August 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Health Commissioner relative to your order

of July 24, 1939, concerning the making of a survey of all vacant lots throughout the city, whether owned by the city or privately, which lots are being used for the dumping of rubbish, and to contact the owners of these lots and request that such rubbish be cleaned up and that the lots be kept clean in the future.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Health Department, August 2, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—With respect to your communication of July 31 transmitting to this department City Council order of July 24:

"Concerning the making of a survey of all vacant lots throughout the city, whether owned by the city or privately, which lots are being used for the dumping of rubbish, and to contact the owners of these lots and request that such rubbish be cleaned up and that the lots be kept clean in the future."

The Health Department is consistently working along the lines suggested in this order. However, there are several things that should be understood with regard to these conditions. It would be necessary to station an inspector or a police officer on each vacant lot in the city to guarantee that no illegal dumping of refuse would be done.

Owners of vacant lots are naturally averse to paying out money for cleaning up rubbish from land on which they are paying taxes and it often requires time and argument by the employees of the Health Department to get such lots cleaned.

Many of the owners are nonresidents and it is sometimes difficult to reach the responsible parties and get action.

With regard to the city-owned lots, we notify the Superintendent of Public Buildings in every case and cannot assume responsibility for the condition of property under his control.

We will continue to do everything in our power to comply with the request contained in this order.

Respectfully,  
H. F. R. WATTS, M. D.,  
Health Commissioner.

Placed on file.

#### RESURFACING ROSEMARY STREET.

The following was received:

City of Boston,  
Office of the Mayor, August 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 26, 1939, concerning the resurfacing with smooth paving, Rosemary street, Ward 11, under the W. P. A. plan of construction.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Public Works Department, August 1, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office,

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving, Rosemary street, Ward 11, under the W. P. A. plan of construction, and this will advise you that this street will be submitted for approval on a W. P. A. project sometime during the month of September, but I am unable to give you at this time a definite date as to the starting of construction.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### USE OF LAND ON DORCHESTER AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, August 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of July 10, 1939, concerning the reconsidering of the reported plan for use of

Dorchester avenue property, in the vicinity of St. Gregory's Church, as a sand and gravel dump or for a city yard.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Public Works Department, August 1, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have received a copy of the following order that was passed in the City Council on July 10, 1939:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to reconsider reported plan for use of Dorchester avenue property, in the vicinity of St. Gregory's Church, as a sand and gravel dump or for a city yard."

It was never the intention of the department to use the area of land referred to in this order as a sand and gravel dump. It was proposed, however, in the spring of the current year, to utilize the abandoned barn and an area of land in the rear of the property, adjacent to Dorchester Park, as an office and yard for the use of the district paving forces. I was never thoroughly convinced as to the desirability of establishing a paving yard at that location, due to the character of the neighborhood, which is principally residential, and the fact that this property could be used to far better advantage than that proposed.

It is not the intention of the department to utilize the area for any purpose.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### ELECTRIC LIGHTS IN WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, August 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 26, 1939, concerning the installation of electric street lights at the following locations in Ward 13: Sargent street, corner of Hartford street, Sargent street, corner of Howard avenue, middle of Sargent street.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Public Works Department, July 24, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works install electric street lights at the following locations in Ward 13:

Sargent street, corner of Hartford street; Sargent street, corner of Howard avenue; middle of Sargent street.

This is a strictly residential section, is now lighted with gas lamps, and I fail to see any justification for the installation of large electric lamps as requested.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### WELFARE CASES IN HOUSING AREAS.

The following was received:

City of Boston,  
Office of the Mayor, August 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Welfare Executive Director relative to your order of July 10, 1939, concerning the number of welfare cases added to the rolls since May 20, 1939, from among the families resident as of said date in the four new subsidized housing areas in Boston; and also the

number of families moved out of said housing areas with the assistance of the Welfare Department, and the expense of same.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Overseers of Public Welfare, July 25, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Attention of William T. Doyle.

Dear Sir,—This department has received your communication of July 14, 1939, with inclosed order of the City Council, dated July 10, 1939, reading as follows:

"Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to advise the City Council:

"1. As to the number of welfare cases added to the rolls since May 20, 1939, from among the families resident as of said date in the four new subsidized housing areas in Boston; and also

"2. The number of families moved out of said housing areas with the assistance of the Welfare Department, and the expense of same."

May I report that in the four new housing areas in Boston in the period from May 20, 1939, through July 20, 1939, there have been thirty-two reapplications for assistance and four new applications.

From our records we find that a total of 168 individuals in families have been moved during that period from these areas at a cost of \$905. This expense of moving has been more than offset by the saving to the city on account of the fact that no rental allowance was rendered to the recipients for the greater part of the period in which the recipients resided within the housing areas following receipt of eviction notices. The Housing Authority waived rental for welfare recipients for these periods in each of the housing sites.

Sincerely yours,

WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

#### FIRE LOSSES IN TEN YEARS.

The following was received:

City of Boston,  
Office of the Mayor, August 3, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Fire Commissioner concerning your order of May 8, 1939, relative to a comparative list of fire losses in the City of Boston during the past ten years, together with any changes in fire insurance rates during that period.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Fire Department, July 24, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir—As a final report concerning the City Council order of May 8, 1939, requesting that I furnish the City Council with a comparative list of fire losses in the City of Boston during the past ten years together with any change in the fire insurance rates during that period, I wish to submit the following information.

The comparative list of fire losses was furnished in a previous communication.

Information concerning changes in fire insurance rates during the same period has been extremely difficult to obtain. A letter addressed to the Insurance Commissioner of the Commonwealth of Massachusetts has remained unanswered up to the present time. However, as a result of a personal investigation I have been able to obtain the following information.

Since January 1, 1929, the following classes of property have been granted reductions in rates:

Unsprinklered garages of second-class construction.

Unsprinklered public storage warehouses of second-class construction.

Risks in Hyde Park rated by short schedule.  
Fireproof sprinklered theater buildings and contents.

Fire resistive hotel buildings and their contents.

Fire resistive office buildings.  
Completely sprinklered department stores and their contents.

Churches of second-class construction.  
Churches of third-class construction.

Brewery.

Coal yard.

Fire resistive club buildings.

Wool warehouses and their contents.

Wool in stipulated warehouses.

Fire resistive hotels (second reduction).

Fireproof theaters and motion picture houses.

Frame buildings occupied principally for dwellings and in part for office and mercantile purposes, and their contents.

Fireproof single dwellings.

Fireproof schools and fireproof institutions of the general class which includes monasteries, charitable homes, convents and seminaries, etc.

Community garages.

Public institutions of second and third-class construction.

Hospitals.

Dwellings and apartments wholly occupied for dwelling purposes and dwellings in apartment houses occupied principally for dwellings and in part for offices.

Fire resistive office buildings and fire resistive buildings occupied for offices and mercantile purposes (second reduction).

A comparison of the rate sheets of May 24, 1933, and the revised sheets for December 31, 1937, showing the minimum rates for dwelling houses indicate that there has been a reduction range from a minimum of 5 per cent to a maximum of 27 per cent. For example, certain two-family homes have had an 8 per cent reduction on their building insurance and a 7 per cent reduction on their furniture insurance. Apartment houses with five to eight apartments have had a reduction of 17 per cent on the buildings and 15 per cent on furniture contents. Apartment buildings with twenty-five to thirty-two apartments have had a reduction of 25 per cent on the buildings and 24 per cent on the household furniture contents.

It must be realized, of course, that the Boston Board during this period has re-rated risks with lower rates due to improvements in construction, interior protection or exposure, and these reductions applied regardless of the class of property involved whenever conditions in connection with a particular risk justified such treatment.

In addition there are approximately twenty-five thousand specifically rated buildings in the City of Boston and it is therefore obvious that it would be impossible to arrive at a percentage of reduction that has applied over the past few years to these various specifically rated risks.

I submit the above information in the hope that it will be found sufficiently complete to meet with the purpose of the order.

Respectfully yours,  
WILLIAM ARTHUR REILLY,  
Fire Commissioner.

Placed on file.

#### SHOWERS IN FIELD HOUSES.

The following was received:

City of Boston,  
Office of the Mayor, August 4, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of July 24, 1939, concerning the turning on of the shower baths in all field houses in playgrounds throughout the city where such showers are not now in use.

Respectfully,  
GEORGE A. MURRAY, Acting Mayor.

City of Boston,  
Park Department, August 2, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of July 31, with inclosure order from the City Council that the Park Department turn on the shower baths in all field houses.

Please be informed that shower baths that are available are never turned off in Park Department field houses.

I want to say, however, that the showers are supposed to be used by the athletes and not by the general neighborhood, as we have not enough of them. Nobody is refused a shower and they are kept in repair as far as is possible, with our depleted forces.

Very truly yours,

WILLIAM P. LONG, Chairman.

Placed on file.

#### TRANSFERS WITHIN DEPARTMENTAL APPROPRIATIONS.

The following was received:

City of Boston,  
Office of the Mayor, August 7, 1939.  
To the City Council.

Gentlemen,—The attached requests for transfers within departmental appropriations have been examined and investigated by the Budget Commissioner. I accordingly recommend adoption of the accompanying orders by your Honorable Body.

Respectfully,

GEORGE A. MURRAY, Acting Mayor.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Department:

From the appropriation for B, Contractual Services, \$2,000, to the appropriation for E, materials, \$2,000.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Municipal Court, West Roxbury District:

From the appropriation for B, Contractual Services, \$15, to the appropriation for C, Equipment, \$15.

Referred to Executive Committee.

#### ORDINANCE RELATIVE TO FEES.

The following was received:

City of Boston,  
Office of the Mayor, August 7, 1939.  
To the City Council.

Gentlemen,—From time to time, question has been raised as to the legality of certain charges assessed by the city government for various services performed in various departments. In order that this ambiguity be eliminated the Legislature of this year provided in chapter 173 that all such charges be valid provided action under this chapter is taken by the City Council and the Mayor. I therefore forward herewith an ordinance which, if passed by your Honorable Body, will provide legal basis for all fees and charges at present assessed by the city government, and respectfully request prompt consideration thereof.

Respectfully,

GEORGE A. MURRAY, Acting Mayor.

An Ordinance Concerning Fees for Licenses and Permits.

Be it ordained by the City Council of Boston, as follows:

That, under authority of chapter 173 of the Acts of 1939, all fees for licenses and permits, and fees for service rendered or work performed not part of the general services furnished the citizens of the city as a whole, whether such fees or charges have been

instituted or established by action of the City Council or heads of departments or boards, be, and hereby are, confirmed and established. Referred to Executive Committee.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named.

##### Claims.

Adele Arnone, for compensation for injuries caused by an alleged defect at Saratoga street and Butler avenue.

Sabino Colantuoni, for refund on fee deposited with Water Division.

Gerard T. Cusick, to be reimbursed for judgment issued against him.

Frank Esposito, for compensation for damage to car by city truck.

Arthur D. Floyd, for compensation for damage to car by dump cart.

John and William Gilligan, for compensation for damage to property at 456 Parker street, caused by break in water main.

Stephen Gougorian, for compensation for damage to bicycle by city truck.

Mary and William Greene, for compensation for damage to property at 41 Orchard-hill road, caused by fire truck.

Howe & French, Inc., for compensation for damage to property at 99 Broad street, caused by leak in water service.

Kay Lichman, for compensation for injuries caused by an alleged defect at 1254 Commonwealth avenue.

Francis A. McAdam, for compensation for injuries caused by fire truck.

Benjamin Pook, for compensation for injuries to son, Harry, by firemen.

Harry W. Robbins, for compensation for damage to car by city wagon.

H. G. Tondreau, for compensation for damage to car by city cart.

Joseph Upton and Albert Stella, for compensation for injuries to their children by firemen.

Mary E. Venosky, for compensation for injuries caused by an alleged defect at 39 Columbia road.

Agnes Wixeck, for compensation for damage to stone wall at 221 Kennebec street, caused during repair of street.

##### Committee on Ordinances.

A petition was received from Liberty Mutual Trust Company for driveway opening at 451 Geneva avenue.

#### JITNEY LICENSE GRANTED.

A copy of the order of the State Department of Public Utilities granting a bus license to the Eastern Massachusetts Street Railway Company from Milton line to Park square, under authority of chapter 113, Acts of 1939, was received and placed on file.

Coun. ROSENBERG—Mr. President, I would like to make a statement with reference to the issuance of the bus line permit. I believe that is merely formal notification? Coun. MURRAY—Yes.

Coun. ROSENBERG—Mr. President, and members of the Council, at the last meeting of the Board of Public Utilities held last week I appeared before the board at its meeting on the matter of convenience of granting the bus line. While present at the hearing I brought to the attention of the members of the Board of Public Utilities the fact that on two or three occasions the members of the Boston City Council had rejected a petition that had been presented. I stressed the number of accidents happening on the boulevard and called to their attention, also, the fact that when Mr. Dana, of the Boston Elevated, appeared before a jitney committee, an investigating board of the Boston City Council, when the question was presented to him whether he thought it would be safe to operate buses on Blue Hill avenue, he em-

phatically said the buses, in his opinion, would be a hazard and danger on that particular narrow thoroughfare. The chairman of the Board was sitting, and when I put the question to him as to whether or not he was acquainted with Blue Hill avenue and Seaver street, admitted that he was. He also stated at the time that in his opinion Blue Hill avenue and Seaver street ought to be widened in order that the traffic conditions on both Blue Hill avenue and Seaver street might get along with speed and with safety. That was the statement of the chairman of the commission. Only last week he practically admitted that Blue Hill avenue was no thoroughfare for the allowance of the opening up of a road for the commercial bus line route, and we feel by opening up the bus line routes along Blue Hill avenue and Seaver street you are making an opening wedge whereby other bus lines from all over the state will be filing applications to come into the city, using the highways of Boston without bringing any revenue into the city. There was a statement presented at the hearing that the Mattapan merchants were in favor of the bus line, but when it was offered the Mattapan merchants were under the impression buses coming from Taunton and Fall River were going to stop in Mattapan square and they thought additional revenue was coming in, but when they found the buses were only going to use it as a speedway, they were opposed to such a bus line route. I have been opposed to the granting of this bus line permit not because I want to keep the residents of those cities and towns outside of Boston but because I want the buses to come in on avenues which are not a hazard to the residents of Boston. As has been stated on previous occasions, I do not take any responsibility for the lives that may be lost, or people injured or maimed on the highways on which they come, and I daresay there cannot be safe operations on such a dangerous hazardous avenue as Blue Hill avenue and Seaver street without there being accidents occur and the increased traffic from these buses is bound to bring about an accident hazard which we have attempted to keep out. The citizens of the other cities and towns never would have permitted bus lines to run through their cities and towns on such thoroughfares as we have, which are detrimental to the lives and safety of the people of Boston. At the hearing held by the Board of Public Utilities, approximately forty-nine persons appeared in favor of that bus line petition and there were not more than three residents of Boston present. So it evidently appears that home rule seems to be cast out of the window. The Legislature passes a bill taking the power away from the Council, the Board of Public Utilities disregarding the will of the citizens of Boston, and I daresay that a proper move would be started on foot if the citizens of the Commonwealth, instead of having the members of the Board of Public Utilities, who are nothing but puppets of the power trusts and utility companies appointed by the Governor, have those members elected where they would have some responsibility to the citizens of Boston and the Commonwealth.

#### NOTICE OF ORGANIZATION.

Notice was received from the Overseers of Public Welfare of the election of John J. Walsh, chairman, to replace Clifford P. Warren, and Mrs. Margaret J. Gookin, vice chairman, to replace John J. Walsh.

Placed on file.

#### BOSTON ELEVATED TRACK LOCATION.

A copy of the order of the Street Commissioners granting a relocation of the tracks of the Boston Elevated Railway Company on Washington Street North at Causeway street, being the ninety-fifth location, was received and placed on file.

#### TWO-MILLION TAX LOAN.

The Chair called up, under unfinished business, No. 3 on the calendar, viz:

3. Ordered, That under the provisions of chapter 49 of the Acts of 1933, as most recently amended by chapter 288 of the Acts of 1939, the City Treasurer be authorized to obtain the approval of the Emergency Finance Board to the issuance of \$2,000,000 in notes, bonds or certificates of indebtedness of the city, said notes, bonds or certificates to be sold at their face value to the Commonwealth and the proceeds be, and hereby are, appropriated for the purpose of meeting outstanding revenue loans.

On July 24, 1939, the foregoing order was read once and passed, yeas 19, nays 0.

The order was read a second time and again passed, yeas 17, nays 0.

#### ROPING OFF STREETS FOR VETERANS OF FOREIGN WARS PARADE.

Coun. MURRAY offered the following:

Ordered, That the City Messenger be directed to have the streets roped off at such places as may be necessary for the parade of the Veterans of Foreign Wars on August 29, 1939; the expense to be charged to the appropriation for Flags, Ropes and Stakes.

Passed under suspension of the rule.

#### ANNUITY TO ERNEST E. FEWKES.

Coun. SULLIVAN offered the following:

Ordered, That chapter 386 of the Acts of 1939, entitled "An Act authorizing the City of Boston to pay an annuity to Ernest E. Fewkes of Newton," be and hereby is, accepted.

Referred to the Executive Committee.

Ordered, That under the provisions of chapter 386 of the Acts of 1939 an annuity of six hundred and fifty dollars be allowed and paid to Ernest E. Fewkes, a former employee of the Boston City Hospital, who is now permanently disabled by reason of sickness contracted by him in the performance of X-ray work at said hospital; said annuity to be charged to the appropriate item in the budget of the Hospital Department.

Referred to the Executive Committee.

#### LOAN ORDER RECALLED FROM COMMITTEE.

Coun. TAYLOR—Mr. President, on June 12, a recommendation of the Mayor for a loan of \$1,000,000, under chapter 235 of the Acts of 1938, for the funding of overlay deficits, was submitted to the Council and referred to the Committee on Finance.

Under section two of the Revised Charter this loan unless sooner rejected or withdrawn will become effective on August 11 without affirmative action by the Council.

I am informed that for various reasons there has not been a meeting of the Committee on Finance, and in the absence of Councilor Shattuck, chairman of the committee, who is on his vacation, and for the purpose of avoiding the complications which might arise if the loan is allowed to take this course, I now move that the order be recalled from the committee and rejected, without prejudice.

If this action is taken I shall reintroduce the order and the committee can consider it at their convenience.

Coun. WILSON—Mr. President, may I ask what the reasons are that the committee of the Council on a million-dollar loan order has not acted for two months?

President MURRAY—The Chair has no information on that point. The question now comes on recalling order from the Finance Committee.

Coun WILSON—I move the matter be sent to the Executive Committee as our committees do not seem to be functioning any too actively.

President MURRAY—The Chair will state that the order has first to be recalled from the Committee on Finance.

Question came on order being recalled from the Committee on Finance. Order was recalled from Finance Committee.

Question then came on the rejection of the order.

Coun. WILSON—I now move that the order be sent to the Executive Committee.

The motion was carried and the order referred to Executive Committee.

#### BREAKAGE ON HORSE AND DOG RACING.

Coun. TAYLOR offered the following:

Resolved, That the City Council request his Excellency the Governor to order the chairman of the Racing Commission, Charles Connors, to comply with the law pertaining to "breakage" as recently interpreted by the Supreme Court of the Commonwealth of Massachusetts.

Coun. TAYLOR—Mr. President, the time has come to determine whether or not the people of this Commonwealth or the powerful interests who control the dog and horse racing in Massachusetts shall dictate the policies pertaining to dog and horse racing.

Past events have clearly indicated that these powerful interests not only have a monopoly in that business but dictate the rules under which they shall be governed. The profits of this business are so enormous that they have created the most powerful lobbying force in the State House.

They have been able to prevent all competition. You can recall recently when another horse track was contemplated being built by reputable Boston business men, the powerful influence of the officials of Suffolk Downs convinced the Racing Commission that they should not exist. Suffolk Downs won out again. The people lost. They didn't get the revenue to assist the Old Age Pension Fund—Suffolk Downs is getting all the horse racing business.

When another dog track was contemplated in Hyde Park, the powerful influence of those in control of the Revere Dog Track began to exert itself. Of course they were able to arouse an organized minority opposition. When the Mayor ordered a plebiscite to determine public opinion of the district, although only a few months prior to the plebiscite the people of the district voted 3 and 4 to 1 in favor of dog racing, the plebiscite showed a reversal of opinion, the "No's" winning by about sixty votes. What a campaign was conducted against it! 75 to 100 taxicabs were hired to take people to the polls to vote against it. Who hired these cabs? Who spent all the money to defeat it? Why, your own good judgment will tell you. That with the exception of those good people who don't want dog racing because it is against their principles, and those people only take a passive interest against it. That the powerful interests in the Revere track want all the dog racing money. They don't want to share it with other tracks. Nobody is being fooled.

What magic is there in horse and dog racing? Why do they receive special dispensation in the holy halls of the Legislature? Money is needed. Taxes have to be assessed to reduce the burdens of the cities and towns. Our Welfare rolls are heavy. When the suggestion was made to increase taxes on the dog tracks, did you ever see such a display of devotion by the Republican-controlled Legislature for the dog track interests? Oh, they wouldn't hesitate to cut down the income tax exemption from \$2,000 to \$1,400 on the poor individual struggling for an existence. That is all right with them. Soak the poor. They have no compunctions in doing that,

but to compel the wealthy and powerful interests behind the dog tracks to pay one extra cent to relieve the honest and overburdened taxpayer would be sacrilegious. Members of the Council, it pays to be powerful.

But the last pay-off is the best of all. The John Q. Public, our best sucker, can't even get the nickels and dimes. There is a term in the racing law called "breakage," but this probably means the breaks for the horse and dog interests and not the public. They are so greedy for these nickels and dimes, which total up in the hundreds of thousands of dollars, that they are aided in keeping these nickels and dimes by the chairman of the Racing Commission, despite the ruling of the Supreme Court of the Commonwealth of Massachusetts.

What magic again is there in horse and dog racing? A man by the name of Feeney sued Suffolk Downs, claiming they kept 10 cents too much on a ticket. The Supreme Court said that Feeney was right, that the track was wrong. Millions of others suffered the same way, but they didn't bring suit. The highest judicial tribunal in our state said the tracks were wrong. Why, Mr. Connors, chairman of the Racing Commission, did you instruct the dog and horse track interests to pay the same as before the court ruling. Are you greater than our Supreme Court? Oh, yes! You give us your excuse that you want an opinion of the Attorney-General. Who do you think you are kidding? You know that the Attorney-General's, the Governor's or anyone else's opinion cannot overrule the opinion of the Supreme Court. Are you just seeking delay—so that these nickels and dimes can still pour into the coffers of the powerful race track interests? You are not fooling anyone. The magic spell of these track interests is altogether too powerful. Mr. Connors, are you paid to protect the interests of the public or those who control the tracks? You ought to resign from office as all your actions in the past have clearly indicated that you have not the public's interest at heart. If you don't resign, the Governor ought to remove you. When so many good department heads were removed under the false heading of economy, to be replaced by men who are paid more money, real and sincere public service as distinguished from Republican economy can be shown by removal of the chairman of the Racing Commission who can be replaced by a man who will show an interest in the public and will not be dominated by powerful outside interests.

After this Supreme Court ruling, you mark my words and see if my prediction don't come true. The same powerful interests will see that legislation is passed that will change the law to help the dog and horse tracks to receive all the breakage to nullify the ruling of the Supreme Court.

I am not opposed to horse and dog racing for those that can afford this luxury, but I am opposed to a creation of a gigantic octopus which can control everything pertaining to legislation and rules concerning horse and dog racing.

Mr. Connors, either accept the ruling of the Supreme Court or resign from the public service.

Coun. WILSON—Mr. President, naturally I was very much interested in the remarks of the gentleman, coupled with his eloquence, although I notice he referred to the Republican-controlled Legislature as apparently the ones who are most susceptible to the undoubted influence of the Wonderland track interests. It lay in my mind, however, that the vote in the Senate to make the tax less than 7 per cent was divided by a vote of 13 to 19 and twelve of the 18 were Democratic members of the Senate.

Referred to Committee on Rules.

#### NAMING OF ARTHUR P. WHITE SQUARE.

Coun. ROSENBERG offered the following: Ordered, That the square at the junction of Columbia road, Geneva avenue and Brinsley

street be named the "Arthur P. White Square," in commemoration of Arthur P. White a World War Veteran who distinguished himself in the service of the United States during the World War.

Passed under suspension of the rule.

#### RECONDITIONING TENNIS COURTS AT FRANKLIN FIELD.

Coun. ROSENBERG offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to recondition the tennis courts at Franklin Field and the Norfolk Street Playground, Ward 14.

Coun. ROSENBERG—The tennis courts at Franklin Field number approximately thirty-five. They are perhaps located on the most beautiful playground in greater Boston. Out of the thirty-five tennis courts now on that playground only seven of them can be used for playing tennis. The rest of the courts are in a condition that they are not suitable for use as tennis courts. Grass has been growing on the playing surface. Many times dust storms occur and I believe with the beautiful layout of the courts, where thousands of dollars has been spent in development of them that proper attention and care should be given to these tennis courts and it should be ordered to put them in first-class condition. No doubt a similar condition exists at the Norfolk Playground and with the summer season now at hand, now is the time we need the use of the courts and not during the winter months.

Passed under suspension of the rule.

#### INCREASE IN STATE TAKE ON DOG TRACK.

Coun. ROSENBERG offered the following:

Resolved, That in view of the dire need of the Commonwealth to reduce the state deficit and to relieve the tax assessment burdens on the cities and towns, the Boston City Council in meeting assembled hereby favor the enactment of legislation to increase the state take on dog racing to 7 per cent.

Coun. ROSENBERG—Mr. President, many times problems come up on the matter of raising increased revenue in order not to interfere or hurt the pockets of the average citizen in our Commonwealth, and surely when a proposal is brought forth to increase the take of the dog tracks from 3½ to 7 per cent there should not be anyone in any legislative body in this Commonwealth that ought to oppose a measure of that nature. The money is coming out of the public who are spending it, who are gambling conscious and who are throwing their money away at a game I call public sucker game No. 1, whether the terms are used in relation to the citizens of this Commonwealth or any Commonwealth in this country, and I feel not only could we take 7 per cent but even if we took 10 per cent it would not hurt the dog track interests or it wouldn't move away, as they have threatened to do, and I feel that if this Body went on record to favor state enactment of legislation to increase the dog track take from 3½ to 7 per cent, that would be doing an act that would in no way interfere with the average working man as the sales tax would and thereby showing we are interested in bringing in revenue to the Commonwealth which I believe would double the deposits of the cities and towns and reduce our assessment.

Referred to Executive Committee.

#### REMOVAL OF ATLANTIC AVENUE ELEVATED STRUCTURE.

Coun. WILSON offered the following:

Ordered, That the City Clerk be directed to at once file with the appropriate com-

mittee or committees of the General Court a certified copy of order passed by the City Council on July 10, 1939, concerning House Bill 116 of 1939, together with copy of proposed form of bill indorsed by the City Council on June 12, 1939, with reference to removal of the Atlantic Avenue Elevated structure.

Coun. WILSON—Mr. President, perhaps being somewhat persistent and possibly too persistent, if you remember, I brought this matter up at our meeting on July 24 pointing out the chairman of the Legislative Committee had been temporarily absent from the city and urging that some other member of the committee in order of precedence call such a meeting. I do not assume the minority can do anything alone and despite assurances two weeks ago nothing has been done. In view of the fact that the Massachusetts Legislature probably sometime this year will prorogue or adjourn and since this is another Council committee that apparently does not function too accurately, I urge the adoption of this order in order that the question of the demolition of this Atlantic avenue structure, which I still consider of paramount importance to the taxpayers of the city, in order that the sentiment of the Council already expressed by its vote may be conveyed to the Legislature.

Referred to the Executive Committee.

#### RECESS.

For the purpose of going into Executive Session the Chair called a recess at 3.10 p. m. The members reassembled in the Council Chamber and were called to order by President MURRAY at 5.30 p. m.

#### EXECUTIVE COMMITTEE REPORTS.

Chairman WILSON, for the Executive Committee, submitted the following:

1. Report on message from the Mayor and order (referred July 24) re transfer of \$1,500 for Zoning Board—that same ought to pass.

Report accepted.

2. Report on message of the Mayor and orders (referred this day) for transfers within the Fire Department and Municipal Court, West Roxbury—that both orders ought to pass.

Report accepted.

Question came on passage of the several orders and the clerk started to call the roll.

Coun. WILSON—That last one was not passed, Mr. President. Mr. Lang failed to show up today or at least didn't wait and that was not passed.

President MURRAY—I am informed that was in the amount of \$15 for the West Roxbury Court.

Coun. WILSON—I don't know, except that the requested transfers were not passed because Mr. Lang was not available. As to the amount I am sure I don't know.

President MURRAY—The roll call is void up to this point and the question is now on the passage of the transfer for the Zoning Board.

The order was passed, yeas 17, nays 0.

#### NEXT MEETING.

On motion of Coun. FITZGERALD it was voted that when the Council adjourns it be to meet again on Monday, August 28, 1939, at 2 p. m.

#### EXECUTIVE COMMITTEE REPORTS, CONTINUED.

The question then came on the report on message from the Mayor and orders (referred this day) for transfers within the Fire Department, \$2,000 for Contractual Serv-

ices to Materials, and \$15, Municipal Court, West Roxbury District, Contractual Services to Equipment—that both orders ought to pass.

Coun. WILSON—Mr. President, I regret to say that is an error and that matter was laid on the table due to the fact that when Mr. Lang was sent for, the Budget Commissioner, it was around 3.30, which was too late for him to wait and the matter was laid on the table.

On motion of Coun. WILSON the orders were laid on the table.

3. On the message of the Mayor and order (referred July 24) exempting portion of the Strandway from the ordinance concerning park frontages—that same ought to pass.

Report accepted.

Question came on the passage of the ordinance.

Coun. WILSON—The order reported by the Executive Committee is or ought to read as amended "Striking out the word I street and substituting Old Harbor street." I will be glad to make the motion in view of what the Executive Committee voted.

The amendment was adopted and the ordinance as amended was passed.

4. Report on the message of the Mayor and ordinance (referred this day) taking action under chapter 173 of the Acts of 1939 concerning certain charges assessed by the city—that ordinance ought to pass.

Report accepted; said ordinance passed.

5. Report on order (referred this day) concerning annuity to Ernest E. Fewkes—that same ought to pass.

Further order (referred this day) accepting chapter 386 of the Acts of 1939—that same ought to pass.

Report accepted; said orders passed.

6. Report on the order introduced by Coun. WILSON (referred this day) directing the City Clerk to file with the proper committee of the General Court a certified copy of the order passed by the Council on July 10, concerning the removal of the Atlantic avenue structure—that same ought to pass.

Report accepted; said order passed.

7. Report on resolution introduced by Coun. ROSENBERG (referred this day), concerning an increase in the state tax on dog racing to 7 per cent—that resolution be adopted.

Report accepted; said resolution adopted.

8. Report on petition of Angela Murnane (referred April 3, 1939)—recommending passage of the following:

Ordered, That under the provisions of chapter 340 of the Acts of 1933, an annuity of sixteen hundred dollars be allowed and paid to Angela Murnane, widow of Paul J. Murnane, a member of the Police Department who died on September 23, 1938, on account of injuries received in the performance of his duty; said annuity being made up of allowances as follows:

For the widow, Angela Murnane, so long as she remains unmarried, \$1,000 per annum.

For each of the following-named children during such time as he or she is under the age of eighteen or over said age and physically or mentally incapacitated from earning, \$200 per annum:

George Murnane, born April 14, 1925; Joan Murnane, born December 5, 1929; Marlene M. Murnane, born August 23, 1931, the payments to date from September 23, 1938, and to be charged to the appropriation for Police Department, Pensions and Annuities.

Report accepted, said order passed.

9. Report on the message from the Mayor and order (referred June 12, 1939) for loan of one million dollars for refunding purposes—recommending that order ought not to pass without prejudice.

Report accepted; order rejected.

#### REFUNDING LOAN OF \$1,000,000.

Coun. TAYLOR offered the following:

Ordered, That under the provisions of section 1 of chapter 235 of the Acts of 1933, the sum of \$1,000,000 be, and the same hereby is, appropriated, to be used for the funding of overlay deficits and other items, and that the City Treasurer be authorized to issue, from time to time, upon request of the Mayor, bonds or certificates of indebtedness of the city to said amount.

Referred to Committee on Finance.

#### REPORT ON COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted a report on petition of P. DeCristofaro (referred July 24) for driveway opening at 505 Old Colony avenue—recommending that the permit be granted.

Report accepted; permit granted.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following reports:

1. Report on petition of Edward J. O'Gorman (referred July 24)—recommending passage of the following order:

Ordered, That the sum of two hundred and fifty dollars (\$250) be allowed and paid to Edward J. O'Gorman in reimbursement for amount of judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Fire Department, said sum to be charged to the Contingent Fund.

Report accepted; order passed.

2. Report on petition of James P. Craig (referred June 26, 1939)—recommending passage of the accompanying order:

Ordered, That the sum of twenty-five dollars (\$25) be allowed and paid to James P. Craig in reimbursement for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; order passed.

#### SIDEWALK IN FRONT OF 32 CHESTNUT AVENUE.

Coun. CAREY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install an artificial stone sidewalk in front of 32 Chestnut avenue, Ward 10, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### AUTHORITY FOR PLACING CERTAIN POSITIONS UNDER CIVIL SERVICE.

Coun. CAREY offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to inform the City Council under what authority positions as attendant, ward maid, waitress, etc., were placed under Civil Service as of August 1, 1939.

Coun. CAREY—It has come to my attention that a ruling has been made by the Acting Director of Civil Service and the Commission itself that effective August 1, 1939, all positions paying \$300 a year or more such as ward maids, attendants, waitresses, come under the Civil Service list. That practice was never indulged in before and I don't know what



authority the acting director of the commission has for making this ruling. I think it would be well for the members of this body to have the information at hand.

Passed under suspension of the rule.

#### PLACING DAISY FIELD IN JAMAICAWAY IN SUITABLE CONDITION FOR BASEBALL.

Coun. CAREY offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to place the so-called "Daisy Field" on the Jamaica way, Ward 10, in suitable condition to be used for baseball purposes by persons sixteen years of age and over, in view of the fact that there is no other playground available in the district where young men may play ball without the danger of breaking windows in adjacent properties.

Coun. CAREY—There is in my district a so-called "Daisy Field" on the Jamaica way, a field that if properly laid out would provide an ideal location for the young men of sixteen years and over to play baseball. I have in my district and each member of this body has a similar situation existing where our playgrounds have not been made suitable for old or young men to participate in the great American game of baseball. In my district there are four playgrounds and not on anyone of those playgrounds can young men sixteen years and over play that game without being interfered with by policemen. One of the worst contacts that the young man has with the policeman is that of being chased away from a public park for playing the great American game of baseball. I feel no doubt the explanation is that in laying out these playgrounds suitable and sizable places were not found. Within the last week I have had protest from abutters on three out of four playgrounds complaining about broken windows in their homes and in their properties. The City of Boston will yearly spend millions of dollars in subsidizing Elevated deficits and what have you, yet every time we go to the Park Commissioner he gives us the same excuse that he hasn't sufficient money to properly provide suitable baseball grounds for the older fellows. Soft ball is a great game but everybody cannot play it and everybody doesn't want to play it. Some provision has got to be made to take care of the older fellows, to keep them out of trouble, and I hope that the order I have introduced here will be acted upon speedily by the Mayor, or possibly by the Acting Mayor, and with the results that have been requested here will be obtained.

Passed under suspension of the rule.

#### CONSTRUCTION OF SIDEWALK ON HAVERFORD STREET.

Coun. ENGLERT offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Haverford street (both sides), from Montebello road to Boylston street, Ward 11, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### STREET LIGHTING, WARD 13.

Coun. HUTCHINSON offered the following:

Ordered, That his Honor the Mayor be requested to communicate with officials of the Boston Consolidated Gas Company in an effort to compel them to live up to the terms of their contract for lighting the streets of Ward 13 where there have been many out-rages during recent months.

Passed under suspension of the rule.

#### LAND ON ALEXANDER STREET FOR PLAYGROUND.

Coun. HUTCHINSON offered the following: Ordered, That the Park Commissioner be requested to report if the vacant land on Alexander street, Dorchester, between lots 119 and 125, can be placed under the jurisdiction of the Park Department and the grounds improved for the use of small children as a playground.

Passed under suspension of the rule.

#### REPAIR OF FAYSTON STREET.

Coun. HUTCHINSON and ROSENBERG offered the following.

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to repair and construct Fayston street, Dorchester, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### LOAN ORDER FOR CENTRAL LIBRARY ROOF.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of such a loan order as will provide for complete replacement of Boston Central Library roof.

Passed under suspension of the rule.

#### ANGLE PARKING, ON CENTRE STREET, WARD 20.

Coun. LYONS offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to permit angle parking in the business area on Centre street, Ward 20, between Temple and Weld streets.

Passed under suspension of the rule.

#### REPAVING TEMPLE STREET, WARD 20.

Coun. LYONS offered the following:

Ordered, That the Public Works Commissioner, be requested through his Honor the Mayor, to repave with smooth pavement the unfinished part of Temple street, Ward 20, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### CONFIRMATION OF APPOINTMENTS.

President MURRAY called up, under unfinished business, No. 2 on the calendar, viz.:

2. Action on appointments submitted by the Mayor July 24, 1939, of John F. O'Halloran, to be a Weigher of Goods and Maxwell R. Finstein, to be a Weigher of Coal.

The question came on confirmation. Committee, Coun. Galvin and Langan. Whole number of ballots 13, yeas 8, nays 5, and the appointments were confirmed.

Passed under suspension of the rule.

#### SCHOOL HALLS AND YARDS MORE OPEN TO THE PUBLIC.

Coun. NORTON offered the following:

Ordered, That the Boston School Committee, through his Honor the Mayor, be requested to consider the advisability of working out a schedule so that the halls of schoolhouses and the playyards of the same, shall be more open to the public.

Passed under suspension of the rule.

REPLACING OF GREW AND DAMON  
SCHOOLS.

Coun. NORTON offered the following:

Ordered, That the Mayor of Boston, with the cooperation of the School Committee, be requested to consider the advisability of requesting Federal funds to replace the Henry Grew and Damon schools, in Hyde Park, which were built nearly seventy years ago.

Passed under suspension of the rule.

WELFARE MILK DISTRIBUTION PRICE.

Coun. LANGAN offered the following:

Ordered, That the Acting Mayor be requested to contact the W. P. A. authorities relative

to the possibility of returning to its former price the milk being distributed to welfare and W. P. A. families.

Passed under suspension of the rule.

REPAVING OF NEWARK STREET.

Coun. ENGLERT offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth pavement Newark street, Ward 11, under the W. P. A. plan of construction.

Passed under suspension of the rule.

Adjourned on motion of Coun. LANGAN, at 6 p. m., to meet on Monday, August 28, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Thursday, August 24, 1939.

Special meeting of the City Council in Faneuil Hall at 1 p. m., Coun. FITZGERALD, senior member present, in the chair. Absent, Coun. Kerrigan, Langan, Murray, Shattuck and Taylor.

LOAN ORDER FOR \$1,500,000.

The following was received:

City of Boston,  
Office of the Mayor, August 22, 1939.  
To the Members of the City Council.

Gentlemen,—You are respectfully requested to assemble in a special meeting at Faneuil Hall on Thursday, August 24, 1939, at one o'clock p. m., for the purpose of taking action on a loan order for the sum of \$1,500,000 herewith submitted.

Chapter 464 of the Acts of 1939 authorizes cities to meet by loan the difference, amounting to about \$2,100,000, between the estimate of state taxes used in the tax rate of 1938 and the actual state tax assessed.

With the valuable assistance of the City Council it is estimated that reductions have been made in the city's part of the tax rate for this year of an amount equivalent to \$1.30 in the rate.

Unless the city takes advantage of the opportunity to borrow a substantial portion of the \$2,100,000 it will have to be raised in this year's taxes, the savings so carefully made in the city appropriations will be offset, and it will not be possible to make any substantial reduction in this year's rate.

As the proposed loan order requires fifteen affirmative votes at each of two readings, I earnestly request that every member of the Council attend this meeting if at all possible, and give the order its first reading at this special meeting and its second reading on August 28.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of chapter 464 of the Acts of 1939 the sum of one million, five

hundred thousand dollars be, and hereby is, appropriated, to be used for meeting, in part, the difference between the amount of that portion of the state tax assessment for 1938 levied upon the city and the amount estimated and raised for the state tax by the assessors in 1938, and that the City Treasurer be authorized to issue, from time to time, upon request of the Mayor, bonds or certificates of indebtedness for said amount, the same to be raised outside the debt limit.

The question came on the passage of the order. Coun. WILSON—Mr. President, I came a considerable distance, at a substantial personal sacrifice, to be here, realizing that the short notice and vacations might mean a small attendance although fifteen votes are needed. Of course, after that trouble I did not come here to throw a monkey wrench into the meeting. But I do wish to make my position clear, for ordinarily I have consistently voted against borrowing money to pay current bills. Now, I would hate to see the city, to any great extent, do the very thing the Governor of the Commonwealth had the courage to avoid. It might have been politically more expedient for him personally not to have taken the action that was taken to save several of the cities and towns in this state from financial collapse. But for his action the Boston tax rate would have been up some three dollars this year, in spite of the splendid efforts of the Mayor, and we would have been powerless to stop it. On the other hand, I feel the city has done its share. The Mayor has made a real effort to pare departmental expenses. The chairman of our Committee on Appropriations and the active members of his committee did a real job. The School Committee made its effort. Under those circumstances it may well be that a part of the deficit charged back to the city should be handled as the Mayor suggests. I think it fair, after the efforts the Mayor has made, that he should make it plainly evident to the taxpayers of Boston in their tax bills that this year real cuts have actually been made in expenses. It is on that basis that I shall vote for this loan order.

The roll was called and the order given its first reading and passage, yeas 17, nays 0:  
Yeas—Coun. Agnew, Carey, Chase, Englert, Fish, Fitzgerald, Galvin, Harris, Hutchinson, Irwin, Kelly, Lyons, McMahon, Norton, Rosenberg, Sullivan, Wilson—17.

Nays—0.  
Chairman FITZGERALD—The purpose for which the meeting was called having been accomplished, the Council is now adjourned.

Adjourned at 1.40 p. m., to meet Monday, August 28, 1939, at two o'clock p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, August 28, 1939.

Regular meeting of the City Council in Council Chamber, City Hall, at 2 p. m., Coun. FITZGERALD in the chair. Absent, Coun. Murray and Shattuck.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighers of Goods: Henry S. Kettendorf, 25 Cohasset street, Roslindale; Charles J. Toye, 411 Windsor street, Cambridge.

Wheiger of Coal: Harry Rosenthal, 11 Ahhotsford street, Roxbury.

Measurer of Wood and Bark: John H. Ratigan, 22 Lane park, Brighton.

Constables of City of Boston for term of one year beginning with the first day of May, 1939, with authority to serve civil process upon filing the necessary bonds: Leonard Bushnell Cornish, 270 Brookline avenue, Ward 4; Americo Armand DeSimone, 451 Meridian street, Ward 1; William A. Marston, 2973 Washington street, Ward 11; David Esterman, 108 Glenway street, Ward 14.

Severally laid over one week under the law.

## DEPARTMENT TRANSFER.

The following was received:

City of Boston,  
Office of the Mayor, August 28, 1939.

To the City Council.

Gentlemen,—The attached request for transfer within departmental appropriation has been examined and investigated by the Budget Commissioner. I accordingly recommend adoption of the accompanying order by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Weights and Measures Department:

From the appropriation for B, Contractual Services, \$100, to the appropriation for E, Materials, \$100.

Referred to the Executive Committee.

## COST OF FACILITIES AT NEW COURT HOUSE.

The following was received:

City of Boston,  
Office of the Mayor, August 25, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Suffolk County Court House Commission relative to your orders of July 10, 1939, concerning the present lighting system in the new Suffolk County Court House and the cost thereof, and the cost of installing clocks in the new court house and the total cost of providing toilet facilities.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Suffolk County Court House Commission,  
August 17, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—In answer to your letters of July 14, 1939, relative to City Council orders of July 10, 1939:

We herewith submit copy of a letter received from the R. D. Kimball Company, electrical engineers on this project.

All electrical work in this building was part of the general contract awarded to the George A. Fuller Company. The cost of the electrical work, including the electric clocks, amounted to \$153,450.

The entire plumbing was also a part of the general contract, the cost of which amounted to \$125,660.

This commission feels that the criticism offered by members of the City Council was prompted by statements made by the Sheriff of Suffolk County prior to the time of investigation by the Finance Commission.

The sheriff later appeared before the Finance Commission during their investigation of these criticisms and stated that he had no criticism to make.

Very truly yours,

SUFFOLK COUNTY COURT HOUSE COMMISSION,  
(Appointed under chapter 474, Acts of 1935.)  
by A. EMMET LOGUE,  
Chairman.

Richard D. Kimball Company, Engineers,  
6 Beacon Street,  
Boston, Mass.

July 26, 1939.

Suffolk County Court House.

Desmond & Lord, Architects, One Beacon Street,  
Boston, Mass.

Gentlemen,—Relative to the lighting of the new Court House, the major portion of the lighting relates to office areas and in our opinion the fixtures selected were of a type universally standard for office lighting and of a high degree to efficiency and light quality suitable for office work. There is nothing unusual in design or cost in this type fixture.

In connection with the court rooms, flush panel lighting was used to adequately harmonize with the purpose and character of the room. This is a type of built-in panel lighting that is being used a great deal for dignified or special areas in many buildings of similar or less important nature.

It is our impression that the total lighting fixture cost ran roughly around 15 per cent of the electrical work and this conforms well with current practice in lighting.

Yours very truly,  
RICHARD D. KIMBALL COMPANY,  
D. J. SHAW,  
Electrical Engineer.

Placed on file.

## USE OF TUNNEL, BROADWAY AND DORCHESTER AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, August 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of July 24, 1939, concerning the advisability of opening to vehicular traffic the tunnel at Broadway and Dorchester avenue, which was formerly used by the Boston Elevated Railway for the passage of street cars, but has long been abandoned.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department, August 22, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have copy of the following order that was passed in the City Council on July 24:

"Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to consider the advisability of opening to vehicular traffic the tunnel at Broadway and Dorchester avenue, which was formerly used by the Boston Elevated Railway for the passage of street cars, but has long been abandoned."

Before the present tunnel can be made available for the use of vehicular traffic, it will be necessary to make extensive and costly changes to the existing structure. A study was made by the Transit Department in 1929 relative to this matter, and at that time it was estimated that it would be necessary to make a capital expenditure of \$300,000 for the work involved in preparing the tunnel for the use of vehicles. It was also estimated that it would require a yearly expenditure of \$60,000 for maintenance, which would pay for

the cost of policing, lighting, and the operation of the fans in order to provide a fresh supply of air to the tunnel and remove the poisonous gases by means of a system similar to that now in operation at the Sumner Tunnel.

The estimate of \$300,000 as a capital expenditure was based, however, on the premise that it would not be necessary to make any radical changes in the existing structure. This theory, however, in my opinion, is unsound, as in the existing tunnel there are, for a length of 550 feet, two single tubes, each tube of which would allow for the construction of a roadway only 8 feet 6 inches in width, which would be sufficiently wide enough for the passage of only one line of motor vehicles. A roadway of such narrow width, hemmed in on both sides by the existing tunnel walls, would result in difficult driving conditions to all motorists, except those long experienced, or at least those who could be classified as being particularly capable and efficient operators. Aside from this point, a hazardous condition would be created in the event of a fire or an accident to a motor vehicle while in this section of the tunnel.

To make the necessary changes in the existing structure so as to allow for a roadway as wide as that in the Sumner Tunnel, which, in my opinion, it is most essential to do, would mean a capital expenditure far in excess of the \$300,000 estimated by the Transit Department engineers as being necessary to expend in order to make the existing tunnel suitable for the passage of motor vehicles. Even if the existing tunnel were reconstructed so as to allow for a single tube sufficiently wide enough for the passage of two lines of motor vehicles, in accordance with my recommendation, it is my opinion, in view of the large capital expenditure and the amount of money required yearly for the maintenance of the tunnel, that it would be most impractical to consider converting it into a vehicular tunnel.

The Boston Elevated now pays to the City of Boston a yearly rental of \$12,375 for the use of the tunnel, so that assuming that this entire amount is included in the annual deficit, of which the City of Boston pays approximately two thirds, the net loss to the city from the rental of this tunnel would be approximately \$4,100, which will represent the amount contributed to the deficit by the cities and towns adjacent to Boston.

In view of the circumstances, I feel that the plan for converting the existing tunnel into a vehicular tunnel should be abandoned.

Respectfully yours,

GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### CHILD CENTER, LAMBERT AVENUE.

The following was received:

City of Boston,

Office of the Mayor, August 21, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Building Commissioner relative to your order of July 24, 1939, concerning the promulgated plans for the erection of a child center at 14 Lambert avenue, corner Bartlett street, Ward 9.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Building Department, August 2, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Subject: City Council order concerning 14 Lambert avenue, Ward 9.

Dear Sir,—Complying with your request set forth in communication to me dated July 31, 1939, with a copy of City Council order dated July 24, 1939, attached, which in part reads as follows:

"The Building Commissioner be requested to promulgate plans for erection of a child center at 14 Lambert avenue, corner of Bartlett street, Ward 9," please be informed that public announcement by this department of the issuance of building permit is confined to its being published in the *City Record*.

At this writing the plans for the construction of the superstructure are about to be approved, although work on the project actually has started as a special foundation permit was issued July 21, 1939.

That you may know that no delay has been encountered and that the architects and their clients are very much pleased with the considera-

tion received in the Building Department, I quote in part from a letter directed to me by Sturgis Associates, Inc., architects:

"I would like to take this opportunity to thank you personally, and through you the members of the Building Department of the City of Boston, for the consideration shown to my client. The prompt hearing, which your department enabled us to get before the Board of Appeal on the legal technicalities connected with this building, prevented any delay in the start of the work. Signed, Alanson H. Sturgis."

Respectfully yours,

JAMES H. MOONEY,

Building Commissioner.

Placed on file.

#### ADDITIONAL WELFARE ASSISTANCE.

The following was received:

City of Boston,

Office of the Mayor, August 21, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Executive Director of the Public Welfare Department relative to your order of July 24, 1939, concerning the present force of workers being sufficient to handle the additional applicants for welfare assistance caused by the reduction in W. P. A. forces.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Overseers of the Public Welfare,

August 4, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Attention of Mr. William T. Doyle.

Dear Sir,—This department has received your communication with inclosed copy of an order from the City Council, dated July 24, 1939, reading as follows:

"Ordered, That the Executive Director of the Public Welfare Department be requested, through his Honor the Mayor, to inform the City Council forthwith, whether or not, his present force of workers is sufficient to handle the additional applicants for welfare assistance caused by the reduction in W. P. A. forces."

May I state that on July 21, 1939, I spoke to your Honor regarding possible necessary increase in staff due to the emergency that then seemed at hand and asked for your approval and later the approval of the Board of Overseers for such increases in staff as would be necessary to meet the service demands of those who were being terminated on W. P. A. projects either by reduction in quota or because of eighteen months' continuous service.

As I write now, our department has been waiting for final determining action by the Congress of the United States on the matter of the eighteen months' termination of W. P. A. employees.

Sincerely yours,

WILLIAM G. O'HARE,

Executive Director.

Placed on file.

#### TRANSFER OF COMMODITIES STATION, ROXBURY.

The following was received:

City of Boston,

Office of the Mayor, August 21, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Executive Director of the Public Welfare Department relative to your order of July 24, 1939, concerning the removal of the Commodities Station now located at the corner of Hampden and Eustis streets, Roxbury, to the George Street School, George street, Roxbury.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Overseers of the Public Welfare,

August 4, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Attention of Mr. William T. Doyle.

Dear Sir,—This department has received your communication with inclosed copy of an order from the City Council, dated July 24, 1939, reading as follows:

"Ordered, That his Honor the Mayor be requested to confer with the Executive Director of the Public Welfare Department, the Boston School Committee, and Mr. John J. Stalker of the Surplus Commodities Division of W. P. A., relative to the transfer of the Commodities Station now located at the corner of Hampden and Eustis streets, Roxbury, to the George Street School, George street, Roxbury."

May I report that since July 5, 1939, we have been investigating the possible use of this building as we did not like the location at the corner of Hampden and Eustis streets. It is our hope that we can obtain permission from the School Committee to allow us the use of it for a Commodity Station and I have already contacted Mr. John Stalker of the Surplus Commodity Division and also I have written to and talked personally with Miss Ellen M. Cronin, Secretary of the School Committee.

When and if it is possible to transfer our present Commodity Station at Hampden and Eustis streets to the George Street School I shall so inform you.

Sincerely yours,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

RECONDITIONING TENNIS COURTS.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of August 11, 1939, concerning the reconditioning of the tennis courts at Franklin Field and the Norfolk Street Playground, Ward 14.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, August 16, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of August 11, with inclosure, order from the City Council, concerning the reconditioning of the tennis courts at Franklin Field and the Norfolk street playground.

I regret exceedingly to inform you that the tennis courts all over the Park System are not what they should be, as this extended dry spell has reduced some of the surfacing on our tennis courts all over the city to a surfacing of fine powder.

As a result of a tournament conducted in Franklin Field, the surface of the various tennis courts are not in as good condition as they might be. This is due, to some extent, to the serious reduction in our forces, which were made necessary in order to reduce real estate tax throughout the city. Our experience has been that watering is not effective during the dry spells and the rolling of a dirt court does more harm than good. When a section of the country, such as New England, has a rainfall of 35-100 of an inch during the month of July, naturally, vegetation, tennis courts, ball fields, etc., are not in the proper condition.

This department is making up a project to submit to Washington to place a permanent surface on all tennis courts throughout the city, similar to asphalt, etc., which will be possible to maintain, and I do not anticipate that, with the financial conditions of the city as they are, that clay tennis courts can be maintained.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

USE OF LAND ON ALEXANDER STREET.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Park Department relative to your order of August 7, 1939, concerning the vacant land on Alexander street, Dorchester, between lots 119 and 125.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, August 17, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of August 11, with inclosure, order from the City Council, that the Park Commission be requested to report if the vacant land on Alexander street, Dorchester, between lots 119 and 125, can be placed under the jurisdiction of the Park Department.

Please be informed that land acquired for school purposes can only be used for such and cannot be transferred to another department without an act of Legislature.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

REIMBURSEMENT FOR IMPROPER FUEL.

The following was received:

City of Boston,  
Office of the Mayor, August 22, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of July 10, 1939, concerning the reimbursement to the City of Boston for fireproof and improper fuel received by the city from the Babcock Coal Company.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, August 5, 1939.  
Hon. George A. Murray,  
Acting Mayor of Boston.

Dear Sir,—I have before me Council order of July 10, 1939, reading as follows:

"Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to take such legal steps as may be necessary to reimburse the City of Boston for fireproof and improper fuel received by the city from the Babcock Coal Company for welfare recipients during the administration of former Mayor Mansfield."

The request of the City Council is impossible to comply with. The Babcock Coal Company referred to in the order recently obtained a favorable decision from the Supreme Judicial Court, sustaining the award to the company of more than \$68,000 for coal delivered to welfare recipients during the administration of former Mayor Mansfield. Although the Supreme Judicial Court spoke in its decision of recoupment for breach of warranty, it will, of course, be apparent that there can be no recovery where no damage can be shown. In this case, the city can show no damage. The coal was delivered to welfare recipients directly and the city was not forced to any expense in replacing such of the coal as it was claimed would not burn.

Furthermore, it is well established that in order to recover damages for the breach of warranty, the buyer must, as a condition precedent, notify the seller that he asserts a violation of legal rights. The notice must be more than a mere complaint. It must inform the seller that the buyer intends to enforce his rights. The notice must be given within a reasonable time after the buyer knows or ought to know of the breach of warranty, as provided in the Sales Act, General Laws, chapter 106, section 38.

In this case the auditor found,—  
" . . . that the defendant, *i. e.*, City of Boston, failed to give the plaintiff reasonable and proper notice of the breach of any promise of warranty within the meaning of section 38.

Thus it is quite apparent that no legal steps are available to the City of Boston at the present time to recover damages in recoupment for breach of warranty.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

IMPROVING "DAISY FIELD," WARD 10, FOR BASEBALL.

The following was received:

City of Boston,  
Office of the Mayor, August 22, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order

of August 7, 1939, concerning the placing of the so-called "Daisy Field" on the Jamaicaaway, Ward 10, in suitable condition to be used for baseball purposes.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, August 15, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of August 11, with inclosure, order from the City Council that the so-called "Daisy Field" be put in suitable condition for the use of baseball, etc.

Daisy Field is now used for baseball. The present backstop is low and there is no field house. There are no funds available to increase the size of the backstop or to build a field house.

This is also close to Jamaicaaway and on the edge of Brookline. The area is large enough for boys sixteen years of age to play there at the present time, and they can use it if they secure a permit.

We have in the immediate vicinity the Jefferson Playground, which has two large diamonds—plenty large enough for boys or young men to play on.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### RESURFACING CODMAN HILL STREET, WARD 11.

The following was received:

City of Boston,  
Office of the Mayor, August 24, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of July 10, 1939, concerning the resurfacing with smooth paving Codman Hill street, Ward 11, as a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 22, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have received a copy of the following order that was passed in the City Council on July 10:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving Codman Hill street, Ward 11, as a W. P. A. project."

This street formerly was a private way, but was laid out by the Board of Street Commissioners under date of June 27 of the current year.

A project has been submitted to the W. P. A. authorities for the construction of this street, and the work will be started this year unless it is found, due to unforeseen circumstances, impossible to do so. In that event the project will start in the early spring of 1940.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING NEWARK STREET, WARD 11.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of August 7, 1939, concerning the resurfacing with smooth pavement Newark street, Ward 11, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 15, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public

Works resurface with smooth pavement Newark street, Ward 11, under the W. P. A. plan of construction.

Please be advised that this street is on an approved W. P. A. project for construction this year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### SIDEWALK ON CHESTNUT STREET, WARD 10.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of August 7, 1939, concerning the installation of an artificial stone sidewalk in front of 32 Chestnut avenue, Ward 10, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 15, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works install an artificial stone sidewalk in front of 32 Chestnut avenue, Ward 10, under the W. P. A. plan of construction.

This department does not make a practice of installing artificial stone sidewalks in front of individual houses and I regret to advise you that this request cannot be granted.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING PEQUOT STREET, WARD 10.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of July 24, 1939, concerning the resurfacing with smooth paving Pequot street, Ward 10, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 14, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Pequot street, Ward 10, under the W. P. A. type of construction.

This street will be submitted for approval on a W. P. A. project in the early part of next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING BRINTON STREET, WARD 11.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of July 10, 1939, concerning the resurfacing with smooth paving Brinton street, Ward 11, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.



City of Boston,  
Public Works Department,  
August 14, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Brinton street, Ward 11, under the W. P. A. type of construction.

This street is now being submitted for approval on a W. P. A. project.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING SPRING GARDEN STREET, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of July 10, 1939, concerning the resurfacing of Spring Garden street, Ward 13, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 14, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface Spring Garden street, Ward 13, under the W. P. A. plan of construction.

Please be advised that this street is being submitted for approval on a W. P. A. project.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING WILDER STREET, WARD 14.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of July 10, 1939, concerning the resurfacing with smooth paving under the W. P. A. type of construction, Wilder street, Ward 14.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 14, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving under the W. P. A. type of construction, Wilder street, Ward 14.

This street is in fairly good condition at the present time and there is no immediate need for reconstruction at this time.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING STREETS IN WARD 15.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of July 10, 1939, concerning the resurfacing of the following streets in Ward 15, under the W. P. A. plan of construction.

Percival street, Homes avenue, Potosi street,  
Clarkson street, Blakeville street, Olney street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 14, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface the following streets in Ward 15, under the W. P. A. plan of construction:

Percival street, Homes avenue, Potosi street,  
Clarkson street, Blakeville street, Olney street.

Potosi street is on an approved W. P. A. project for construction this year.

Olney street is being submitted for approval on a W. P. A. project.

Percival street, Blakeville street, Homes avenue and Clarkson street will be submitted for approval on a W. P. A. project in the early part of next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING SOMERSET STREET, WARD 3.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 26, 1939, concerning the resurfacing with smooth pavement Somerset street, Ward 3, which is in a dangerous condition and unsafe for travel.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 14, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Somerset street, Ward 3.

Please be advised that this street is being submitted on a W. P. A. project for approval.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### SIDEWALKS ON HAVERFORD STREET, WARD 11.

The following was received:

City of Boston,  
Office of the Mayor, August 21, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 26, 1939, concerning the construction of sidewalks along both sides of Haverford street, from Montebello road to Boylston street, Ward 11, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 4, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works construct sidewalks along both sides of Haverford street, from Montebello road to Boylston street, Ward 11, under the W. P. A. type of construction.

The abutting owners on this street have signified their willingness to pay their proportionate share of the cost of the expense of this work, and when the necessary lien order is passed by the City Council, this street will be submitted on a W. P. A. project for the construction of these sidewalks.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## REPAVING TEMPLE STREET, WARD 20.

The following was received:

City of Boston,  
Office of the Mayor, August 22, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of August 7, 1939, concerning the repaving with smooth pavement of the unfinished part of Temple street, Ward 20, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 21, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works repave with smooth pavement the unfinished part of Temple street, Ward 20, under the W. P. A. plan of construction.

Please be advised that this portion of Temple street will be submitted for approval on a W. P. A. project during the early part of next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

REPAIRING FAYSTON STREET,  
DORCHESTER.

The following was received:

City of Boston,  
Office of the Mayor, August 22, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of August 7, 1939, concerning the repairing and construction of Fayston street, Dorchester, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 21, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works repair and construct Fayston street, Dorchester, under the W. P. A. plan of construction.

Upon investigation I find that this street is in fairly good condition and in no immediate need of reconstruction at this time.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

RETAINING WALL, BROWN AVENUE,  
WARD 19.

The following was received:

City of Boston,  
Office of the Mayor, August 24, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of June 26, 1939, concerning the repairing of the retaining wall on Cummins Highway, at Brown avenue, Ward 19.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
August 22, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I have received a copy of the following order that was passed in the City Council on June 26:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to repair the retaining wall on Cummins Highway, at Brown avenue, Ward 19."

The existing wall which is erected at the back of the sidewalk and used as a retaining wall to support the abutting property and which is from 10 to 15 feet higher than the elevation of the sidewalk, is under the jurisdiction and care of this department. The cement mortar finish on the face of the wall is sealing and part of the structural concrete has started to disintegrate. It will be necessary to make extensive repairs to remedy the existing conditions.

In view of this, I shall make arrangements to have a project submitted to the W. P. A. authorities and shall start the necessary work immediately subsequent to the acceptance of the project by that authority.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## PETITIONS REFERRED.

The following petitions were received and referred to the committee named, viz:

## Claims.

Florence E. Armstrong, for compensation for injuries caused by an alleged defect at Strathmore road and Commonwealth avenue.

Evo Balboni, for reimbursement for judgment issued against him.

Stephen Bandis, for compensation for damage to car by city wagon.

Bernard Berger, for compensation for injuries caused by an alleged defect in South Huntington avenue.

George Candis, for compensation for loss of money at L Street Bath.

B. J. Casey, to be reimbursed for judgment issued against him.

Esther Cohen, for compensation for damage to car caused by car of Park Department.

William P. J. Delaney, for compensation for execution issued against him.

William E. Fenlon, for compensation for damage to clothing in performance of duties as traffic signal maintenance man.

Patrick F. Finnigan, for reimbursement for expense to automobile of Ernest Sampson while driving patrol wagon.

Eleanor T. Fitzpatrick, for compensation for injuries caused by alleged defect at 279 and 281 Wood avenue, Hyde Park.

Stephen Gutowski, for compensation for damage to property by city truck.

Mrs. B. M. Hugo, for compensation for injuries caused by an alleged defect at Columbia road and Annabel street.

Helen G. Hurley, for compensation for injuries caused by an alleged defect at 509 Cambridge street.

Frank Kelley, for compensation for injuries caused by an alleged defect at Pingree street.

Kruger Furniture Company, for compensation for damage to car by city truck.

William J. Lyons, for reimbursement for judgment issued against him.

Thomas M. McDonough, to be reimbursed for judgment issued against him.

Benjamin F. McEachern, for compensation for damage to property at 555 Beech street, caused by raising grade of street.

Hyman Saphirstein, for compensation for damage to car by city truck.

Rose Shaffer, for compensation for injuries caused by an alleged defect at 507 Blue Hill avenue.

Shawfield Cafe and Ezra Gibbons, for compensation for damage to property at 512 Shawmut avenue, caused by overflow of sewage.

Sophia Sorensen, for compensation for damage to car by dump cart.

Thorp & Martin, for reimbursement for desk and chairs delivered to School Buildings Department.

Mary Anna Harrigan, for compensation for damage to shoes caused by an alleged defect in Huntington avenue.

William H. Holmes, for compensation for damage to car by city cart.

## Ordinances.

Petitions for driveway openings were received, viz:

Abe Polder, 1207 Columbus avenue.

Atlantic Refining Company, 524 Warren street.

Louis A. Allesio, 117 Gladstone street.

## Executive.

Petition of Ethel H. Engberg to be paid an annuity on account of the death of her husband, Hjalmar L. Engberg, member of the Police Department.

## APPOINTMENT IN POLICE DEPARTMENT.

Notice was received from the Police Commissioner of the appointment of Lieut. George H. Bird to serve as Keeper of the City Lock-Up for a period of one year from August 31, 1939.

Placed on file.

## RENEWAL OF TAX TITLE LOAN.

Notice was received from the Emergency Finance Board of the approval of renewal by the City Treasurer of so much of the \$1,000,000 Tax Title Loan, originally approved by the Board August 26, 1938, as is outstanding on September 1, 1939, the rate of interest on the renewal notes to be 1 per cent, payable at maturity.

Placed on file.

## LOCATION FOR CABLES AND CONDUITS IN WEST ROXBURY PARKWAY.

Notice was received from the Metropolitan District Commission of the granting to the Boston Edison Company of a location for cables and conduits in West Roxbury Parkway, West Roxbury.

Placed on file.

## CONSTABLE'S BOND.

The bond of Abraham M. Hecht, approved by the City Treasurer, was received and approved by the Council.

## COUNCIL MEETING PLACE.

Coun. CAREY offered the following:

Ordered, That repairs having been completed, the City Council Chamber on the fourth floor of City Hall is hereby designated as the regular meeting place for the City Council of the City of Boston.

Passed under suspension of the rule.

## RECONSTRUCTION OF SEWALL STREET, WARD 10.

Coun. CAREY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to reconstruct Sewall street, Ward 10, under the W. P. A. plan of construction.

Passed under suspension of the rule.

## EXTENSION OF DUDLEY STREET-HEATH STREET BUS LINE TO ALLSTON.

Coun. CAREY offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to consider the advisability of extending the service on the Dudley street-Heath street bus line to Allston, and also the matter of alternating this service with the present Allston-Dudley street line.

Passed under suspension of the rule.

## SIDEWALK CONSTRUCTION, LEYDEN STREET, WARD 1.

Coun. IRWIN offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Leyden street, at Nos. 235, 239 and 241, Ward 1, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Commissioner of Public Works make a sidewalk along Leyden street, at No. 215, Ward 1, in front of the estate bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Severally passed under suspension of the rules.

## CONVENIENCE STATION, OLD FRANKLIN SCHOOL.

Coun. FITZGERALD offered the following:

Ordered, That his Honor the Mayor confer with the Health Commissioner for the purpose of reconsidering the action whereby the convenience station situated at the Old Franklin School, Washington street, corner of Dover street, was closed.

Coun. FITZGERALD—Mr. President, I have offered this order at the request of a large number of property owners and business men in the vicinity of Dover and Washington streets where this convenience station is located. It is also a stopping place for the Elevated trains, known as the Dover Street Station, which is used daily by thousands of people. It does seem a pity in this enlightened City of Boston, which was the first to establish convenience stations of this type, that we should adopt the policy of closing our convenience stations which are so badly needed by the people in general.

The order was passed under suspension of the rule.

## RECESS.

The Council voted at 2.19 p. m., on motion of Coun. LYONS, to take a recess subject to the call of the Chair. The members reassembled and were called to order by Chairman FITZGERALD at 4.20 p. m.

## LOAN ORDER OF \$1,500,000.

Chairman FITZGERALD called up, under unfinished business, No. 2 on the calendar, viz.:

2. Ordered, That under the provisions of chapter 464 of the Acts of 1939 the sum of one million, five hundred thousand dollars be, and hereby is, appropriated to be used for meeting, in part, the difference between the amount of that portion of the state tax assessment for 1938 levied upon the city and the amount estimated and raised for the state tax by the assessors in 1938, and that the City Treasurer be authorized to issue, from time to time, upon request of the Mayor, bonds or certificates of indebtedness for said amount, the same to be raised outside the debt limit.

On August 24, 1939, the foregoing order was read once and passed, yeas 17, nays 0.

The question came on giving the order its second reading and passage. The roll was called and the order passed, yeas 20, nays 0.

## TRANSFER OF APPROPRIATIONS FOR FIRE DEPARTMENT.

On motion of Coun. AGNEW, No. 3 on the calendar was taken from the table, viz.:

3. Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Fire Department:

From the appropriation for B, Contractual Services, \$2,000, to the appropriation for E, Materials, \$2,000.

The question came on the passage of the order. The roll was called and the order passed, yeas 20, nays 0.

## REPORT OF EXECUTIVE COMMITTEE.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on message of Mayor (referred today) with order for transfer in appropriations for Weights and Measures Department, \$100 from

Contractual Services to Materials—that same ought to pass.

Report accepted. The question came on the passage of the order. The roll was called and the order passed, yeas 20, nays 0.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition of Abe Polder (referred today) for driveway opening at 1207 Columbus avenue—that leave be granted.

Report accepted; permit granted under usual conditions.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

Report on petition of Gerald T. Cusick (referred August 7) to be reimbursed for amount of execution issued against him on account of his acts as operator of a motor vehicle belonging to the Fire Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of fifty-four dollars (\$54) be allowed and paid to Gerald T. Cusick in reimbursement for amount of judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Fire Department, said sum to be charged to the Contingent Fund.

Report accepted; order passed under suspension of the rule.

#### REPORT OF COMMITTEE ON SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending payment of aid to soldiers and sailors and their families in the City of Boston for the month of August, 1939.

Report accepted; said order passed.

#### REPAVEMENT NEW HEATH STREET, WARD 10.

Coun. CAREY and ENGLERT offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to repave with smooth pavement New Heath street, Ward 10, between Heath square and Columbus avenue, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### TAX TITLE LAND FOR PLAY AREAS.

Coun. NORTON offered the following:

Ordered, That the Mayor consider the advisability of having a study made relative to having the city take over for play areas, in various parts of the city, small lots upon which no taxes have been paid for years.

Coun. NORTON—Mr. President, about twenty-two hundred children are injured in Boston each year by automobiles, and over twenty are killed each year. At the present time we have hundreds of lots of land, small lots in each area of the City of Boston, on which taxes have not been paid for many years. I am suggesting to the Mayor the possibility of having a study made to see if it is not possible to take some of those lots and put little sand boxes and swings on them and get the children on to the playgrounds. It is known that there are great cities in America, such as Kansas City, where there has not been a child killed by an automobile in years, and those who have studied the situation claim it is the result of getting the children off the streets. The major cause of the death and injury of the children of America in the cities of this country is playing on the streets.

The order was passed under suspension of the rule.

#### RESURFACING WHITBY STREET, WARD 1.

Coun. IRWIN offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to resurface with smooth pavement Whitby street, Ward 1, East Boston, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### TRANSFER IN APPROPRIATIONS FOR MUNICIPAL COURT, WEST ROXBURY.

On motion of Coun. LANGAN No. 4 on the calendar was taken from the table, viz.:

4. Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Municipal Court, West Roxbury District:

From the appropriation for B, Contractual Services, \$15, to the appropriation for C, Equipment, \$15.

The question came on the passage of the order. The roll was called and the order passed, yeas 18, nays 0.

#### NEXT MEETING.

On motion of Coun. HARRIS it was voted that when the Council adjourns it be to meet on Monday, September 11, 1939, at 2 p. m.

#### SPEED LIMIT FOR BUSES ON BLUE HILL AVENUE, ETC.

Coun. ROSENBERG offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to draft an ordinance to limit the speed of buses on Blue Hill avenue, Charles and Seaver streets to ten miles per hour.

Coun. ROSENBERG—Mr. President, I have presented this request for an ordinance in view of the fact that the conditions now existing on Blue Hill avenue, with the influx of interstate buses and intrastate buses which are now operating on the avenue, create a need for precautions being taken, particularly with these large buses as they travel along the thoroughfares, and particularly Blue Hill avenue, and I am fearful that unless some ordinance such as this is enacted the death toll on Blue Hill avenue will mount, and I believe that the members of the Council want to do everything possible to cut down the accident rate on the streets of Boston.

Coun. TAYLOR—I am glad to note that the order includes Seaver street, Roxbury, because on that particular street there have been a great number of fatal accidents. This Council has attempted, unsuccessfully, to keep these buses from these streets, but because of matters over which we have no control they succeeded finally in getting their buses through there.

The order was passed under suspension of the rule.

#### BUS LINE, EGLESTON SQUARE AND ALLSTON.

Coun. ROSENBERG and TAYLOR offered the following:

Ordered, That the Board of Trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to install a bus line starting at Eggleston square over the following routes:

Columbus avenue, Heath street, South Huntington avenue, Brookline Village, Harvard avenue to Allston Station, and return.

Passed under suspension of the rule.

#### DRINKING WATER FACILITIES AT CITY HOSPITAL.

Coun. ROSENBERG and TAYLOR offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to provide drinking fountain facilities for

persons in the hospital waiting rooms, particularly in the Out-Patient Departments.

Passed under suspension of the rule.

#### IMPROVEMENTS AT WILLIAM E. CARTER PLAYGROUND.

Coun. HARRIS offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to regrade and clean the William E. Carter Playground and to repair benches, install shower baths, and make whatever improvements may be necessary thereon.

Passed under suspension of the rule.

#### FILLING POLICE VACANCIES.

Coun. FITZGERALD offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Police Commissioner for the purpose of considering the advisability of filling vacancies in the Police Department caused by death, resignation, or retirement since November 1, 1938.

Coun. FITZGERALD—Mr. President, I have introduced this order in reference to the Boston Police Department situation in order that the quota of vacancies at the present time should be filled. Today the total number of men in the Boston Police Department is 1,907 which includes five patrolwomen. On February 21, 1930, the number of patrolmen was 2,150 which included five patrolwomen. On April 2, 1937, the number was reduced to 1,827 and after a conference between Police Commissioner McSweeney and Mayor Mansfield it was agreed that the quota would be placed at 1,977. Between April 2, 1937, and December 1, 1937, replacements were made and on the latter date the quota of 1,977 had been reached. It will be noted from the above figures that at the present time there are seventy less men in this grade. With the installation of radio in this department, it was necessary to assign a large number of patrolmen to operate cruising cars and also detail a number of patrolmen to operate the Bureau of Operations, maintain and repair radio equipment, which necessitated the removal of such men from actual patrol work. Since November 8 to the present time some forty-odd men have died, resigned, or been pensioned. There is also on the Mayor's desk at the present time for his signature for retirement the names of twenty men over the age limit who should make room for the younger blood. The people of Boston are entitled to police protection. It costs the city something in the vicinity of over 100,000 dollars a year to replace broken windows in the schoolhouses alone caused by "juvenile vandalism," if men were patrolling on foot this could not happen. The destruction of private property is estimated alone in this city to total almost one quarter of a million dollars annually again which can be traced to the failure of having men patrolling routes on foot, and the most important matter which concerns all of us is this growing disrespect for law and the building up of so many young potential criminals which can be traced to the failure of foot patrolmen.

The order was passed under suspension of the rule.

#### TRAFFIC LIGHTS, ALLEN AND CHARLES STREETS, WARD 3.

Coun. FITZGERALD offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to conduct a survey with reference to installing traffic lights at the junction of Allen and Charles street, Ward 3.

Coun. FITZGERALD—Mr. President, I have introduced this order repeatedly in reference to traffic lights on Charles street at the foot of Allen street, with very little success. The toll of deaths and the number of accidents is fast becoming appalling and something has got to be done. Why public officials charged with the responsibility are neglecting to perform their duty in this matter is beyond my conception of what a public official should do. More than one and one half million dollars was spent in the construction of this highway, which is becoming a public "race track." Destruction of the Charlesbank Park with the widening of Charles street, as well as the destruction of the first open-air gymnasium in the

country, the destruction of the Girls, Gymnasium which has never been replaced, can be charged to those who were members of the Legislature at that time and responsible for the passage of the act as well as the then Mayor of Boston and cannot be laid at my door.

The Council has repeatedly passed this order for the lights. I have appealed to two former Mayors in person on more than one occasion but without success, and I am now making the last and final appeal to see if I can arouse those who are responsible for this condition to see if it cannot be remedied.

The order was passed under suspension of the rule.

#### APPRECIATION FOR COUNCIL CHAMBER WORK.

Coun. GALVIN offered the following:

Resolved, That the City Council in meeting assembled, on this, the first meeting held in the newly decorated City Council Chamber, desire to express its appreciation and gratification for the splendid work performed by the W. P. A. authorities and all individuals who participated in the work, and to the Superintendent of Public Buildings under whose able supervision the Council Chamber has been placed in its present attractive condition.

Coun. WILSON—Mr. President, I don't want to seem to be in opposition, but many months ago we unanimously passed an order requesting some advice as to the cost of the renovation of this chamber, which has kept us out of here since a year ago last December, and I think before we send flowers or say a great many nice things we should at least find out what it has cost. I would suggest that we await a response to that order as to how much it has cost, and so forth.

Chairman FITZGERALD—If there is no objection it can be referred to the Executive Committee.

Coun. GALVIN—Mr. Chairman, this resolution has no connection with the cost. From time to time we see the criticism in the newspapers relative to the W. P. A. work and the persons who work on it, criticism such as "He can't be a W. P. A. worker if he is not lying down." Here we have an opportunity to observe the beautiful work that has been done in this chamber in the short period in which the W. P. A. workers were working in the chamber, for the past three or four months. The order includes anyone who participated in the work or had anything at all to do with it. I move a suspension of the rule and the passage of the resolution.

The resolution was adopted under suspension of the rule.

Coun. WILSON—Mr. Chairman, I want to make my position clear. It may well be that excellent work was done here, but there was an order passed by this Council inquiring of the Mayor's office how much money was spent, whether needlessly or otherwise, to renovate the top two floors of this building. This is the first time that we have met here since a year ago last December. I think that the Council makes itself ridiculous in not insisting on an answer to our inquiry as to how much has been actually spent here. Bringing in a brass band and sending flowers before we even know how much the job has cost is not any answer to our inquiry.

Coun. TAYLOR—Mr. Chairman, I don't see what difference it makes as to what the work has cost. The order refers only to giving thanks to those who have done such a splendid job. If the councilor from Ward 17 wants to know what the cost is he can get that information in other ways. But I think we should show some thanks to those who have done such a beautiful job on this place here.

Chairman FITZGERALD—The order has been passed.

#### BOSTON STREET BOOKS.

Coun. WILSON offered the following:

Ordered, That the Superintendent of Printing be requested, through his Honor the Mayor, to advise the City Council with reference to progress made in the matter of new edition of Boston Street Books, in accordance with Council order of February 14, 1939.

Passed under suspension of the rule.

INFORMATION REQUESTED OF HOUSING  
AUTHORITY.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority, through his Honor the Mayor, be directed to furnish the City Council with information requested in City Council orders of, (1) May 1, 1939, relating to commissions on options, and relating to disposition of \$2,000 voted by the Council in February, 1938, (2) June 5, 1939, concerning various items of information, (3) June 26, 1939, relating to compliance with chapter 486 of the Acts of 1938, and (4) July 24, 1939.

Passed under suspension of the rule.

PARTIAL ABATEMENT ON PROPERTY  
TAKEN BY EMINENT DOMAIN.

Coun. WILSON offered the following:

Ordered, That the Board of Assessors, through his Honor the Mayor, be requested to abate 1939 tax valuations on real estate of resident owners taken in eminent domain proceedings by the Boston Housing Authority, to a valuation not in excess of the appraisal made in said eminent domain proceedings.

Coun. WILSON—Mr. Chairman, in explanation of that order, we are, of course, aware of the fact that in numerous instances where properties have been taken by eminent domain by the Boston Housing Authority, the figure on valuation set by the Housing Authority appraisers has been under the existing mortgage, and in numerous instances at a figure less than the assessed value set by the assessors of the City of Boston, and it seems to me, to put it mildly, most unethical that the City of Boston, through the Housing Authority, which is indirectly an instrument of the City of Boston—unethical that the City of Boston should go into a section like Charlestown, where over 50 per cent of the buildings were owned by the people who lived in them, and set a valuation under an eminent domain proceeding less than the assessed value on which those people had been paying taxes. Now the time comes for the payment of the money after the rapid fire sales talk to the owners of the property which was taken, and they go over to the Boston Housing Authority for their checks, which in some instances are \$1,000 and \$1,500 under the assessed value of the property, and before they get their checks an adjustment is made of the taxes and a part of the check is taken back for payment to the City of Boston on a valuation far in excess of what they are receiving for their property. So I press this motion, and I think it is a fair one, that in the case of original owners, in these buildings that have been taken by rapid fire sales talk, at figures less than the assessed value, the least that the Board of Assessors of the City of Boston can do is to abate this year's tax at least down to the figure which was set by the Housing Authority.

Coun. CAREY—Mr. Chairman, I join heartily with Councilor Wilson. As he has said, a settlement or adjustment is made by the Housing Authority with these resident owners. I have had in my district case after case where, when this settlement was made, the resident owner was out of pocket some \$200 or \$300 or \$400. The only fault I have to find with the order is that it only includes the year 1939. I know myself that, if given the opportunity, many a person in Ward 10, many a resident owner in Ward 10, would have paid those taxes before his home was taken away from him, but through the conscript method used by the Housing Authority he loses not only his home but every bit of equity he might have had in it. I think the order is an excellent one, one of the finest ever introduced into the Boston City Council, and I am sure the members of this Body will join heartily with Councilor Wilson in it.

The order was passed under suspension of the rule.

INFORMATION REGARDING INVESTIGATION  
OF CITY HOSPITAL.

Coun. WILSON offered the following:

Ordered, That the Boston Finance Commission and the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to advise the City Council in response to City Council order of June 5, 1939, concerning investigation of the Boston City Hospital.

CONDUCT OF ATTORNEYS AND DOCTORS  
AT CITY HOSPITAL.

Coun. WILSON offered the following:

Ordered, That the Finance Commission, through his Honor the Mayor, be requested to furnish to the City Council a copy of its report on the subject of the conduct of certain attorneys and doctors relating to accident cases treated at the Boston City Hospital.

Coun. WILSON—Mr. Chairman, I am not going to talk at length on those two orders today because I, first of all, desire to obtain the information if it can be obtained. I have of my personal experience encountered some very suspicious happenings along the lines referred to in those orders. I do feel that the City Council of the City of Boston is entitled to know what the findings of the Boston Finance Commission were. My understanding is that they had investigators at the hospital and that they found that two or more Boston attorneys had been doing what is popularly, or unpopularly, known as ambulance chasing, with the connivance at the City Hospital either of the employees or of certain doctors, or both, and we know that the investigation was made and that a report was made to the Boston City Hospital. I think the public is entitled, the former patients at the hospital are entitled, the taxpayers are entitled, and the City Council is entitled to know what has happened to that report, and what has been done. I again reiterate the charge that there has been something wrong going on down at the City Hospital, that employees of the hospital, and even doctors at the hospital, must have been playing with certain Boston attorneys. I again reiterate the charge that the Boston Finance Commission, in its investigation, must have found out certain facts to have resulted in the report going from the Boston City Hospital to the Law Department, where I understand it now is. I don't know why, during all these months, something definite has not been done about it, because I think that those conditions have continued since the first of the current year. I am interested in finding out about a system which permits men to go into the City Hospital and see the patients, total strangers to them, who turn out to be lawyers or the representatives of lawyers, who would never be found there without connivance in the hospital, and I am interested also in a situation which makes it possible for certain persons in authority at the City Hospital, who cannot be ordinary employees, to have direct access to the hospital records and by that access give to these insurance companies at the City Hospital more complete reports than the attorneys representing the injured patients can obtain. I know that has been done; I know it is being done, and I want to know why it is being done. I am sure it is a small minority, but this small minority group of doctors or officials at the City Hospital makes it possible for that condition to continue. I think that this matter should not be allowed to die on some shelf somewhere. I think that we are entitled to know what was discovered in this investigation of the Boston City Hospital. We do not want to just satisfy our curiosity but we want to know what was discovered and we want to know what was done about it.

The orders were passed under suspension of the rule.

BUS LINE, EGGLESTON SQUARE TO GREEN  
STREET STATION.

Coun. LANGAN offered the following:

Ordered, That the trustees of the Boston Elevated be requested, through his Honor the Mayor, to establish a bus line from Eggleston square along Washington street to Boylston street, over Lamarine street to the Green Street Station, and return.

Passed under suspension of the rule.

ACCEPTING OF CHELLEMAN STREET,  
WARD 20.

Coun. LYONS offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Chellman street,

Ward 20, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### SIDEWALK CONSTRUCTION, BROOKFIELD STREET, WARD 20.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Brookfield street, from South street to South Fairview street, Ward 20, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### DEMOLITION WORK TO BOSTON RESIDENTS.

Coun. SULLIVAN and LYONS offered the following:

Ordered, That the President of the City Council be requested to appoint a special committee of five members of the Council to confer with the Housing Authority, the contractors, and the officials of the Union, relative to placing Boston men at work on the demolition of properties in preparation for the erection of Federal Housing projects.

Coun. CAREY—Mr. Chairman, while I have no objection to the joint order of Councilors Sullivan and Lyons, I might say that there is another order which is to be offered along the same lines. I see here this afternoon representatives of the Union. We invited the contractor, himself or his representative, and the Chairman of the Housing Authority, in order that we might find out whether Boston work is going to be given to outsiders or not. I found very definitely in connection with the demolition of buildings in Ward 10 that there are not many Boston men at work there. We have men there from New York State, from as far away as Nebraska, from Ohio and Tennessee, and from Chelsea, Somerville and Revere, and other places in Massachusetts. On an admission of the business agent of the Building Wreckers Union, not over 50 per cent of the men at work there are residents of Boston. In other words, he admitted that they are from Chelsea, Somerville, Revere, and outside places. Are we going to continue such a practice as this? I can see in the gallery this afternoon some fifty to one hundred men from my ward and other wards in the City of Boston, who are walking the streets day after day, able-bodied men who would be glad of an opportunity to work but who are denied that opportunity. And I hope that in the conference that has been arranged for next Thursday afternoon we will have a very determined and definite decision made and an agreement reached whereby these men on the work now who do not live in the city will be discharged, and that nobody but Boston men will be given that work. God knows they need it, and need it badly. (Applause from the gallery.)

The CHAIRMAN—No demonstration from the gallery, please.

The order was passed under suspension of the rule.

#### DEMOLITION WORK FOR BOSTON RESIDENTS AND AMERICAN CITIZENS.

Coun. CHASE, CAREY and WILSON offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to insist that all persons employed on Housing projects be Boston residents and American citizens.

Coun. CHASE—Mr. Chairman, it is needless for me to say that this Honorable Body was

shocked when it learned that non-residents of Boston and non-citizens of this nation are permitted to work on the housing projects in preference to American citizens. I think, Mr. Chairman, that it is a despicable condition. I am surprised that the Boston Housing Authority, composed of American citizens, and people who are supposed to be learned men and to know what the rights of American citizens are, should allow such a condition to exist. Why should not American citizens be given preference over some alien who has recently come to these shores? We have thousands of American citizens and Boston residents pounding the streets in search of employment, and yet we learn that aliens are permitted to be working on these projects, and non-residents of Boston are permitted to be working on these projects, and yet there are thousands of Boston residents who are looking for work. What sort of a condition is this? What is this country coming to when our city fathers, our government in general, does not see to it that American citizens are given preference to aliens? We should do something about it, and I hope that this Honorable Body will pass the order.

The order was passed under suspension of the rule.

#### NAMING OF THOMAS J. NEVINS SQUARE.

Coun. KELLY offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to designate the space at the junction of Quincy and Bowdoin streets, Ward 15, Thomas J. Nevins square, in honor of said Nevins, late veteran of the World War.

Passed under suspension of the rule.

#### ELEVATOR SERVICE AT CITY HOSPITAL.

Coun. KELLY offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to consider the advisability of restoring the elevator service in the main building between the first and third floors, on which the Settlement Office is located.

Coun. KELLY—Mr. President, I understand from quite a number of women in my ward that the elevator service has been discontinued from the first to the third floors in the main building of the Boston City Hospital. The Settlement Division has more people going to it in a weakened condition than any other department in the Boston City Hospital. I refer to the women with small children going up there for appointment for tonsil operations. I also refer to the women in pre-natal condition, climbing two stories in the Boston City Hospital. I was at the Boston City Hospital this morning, Mr. Chairman, but I don't mind climbing a couple of flights of stairs, because naturally I need the exercise. But when you realize that these women in pre-natal condition have to climb up two stories, which is equivalent to four stories in the ordinary building, I believe you will agree that something should be done about it. I know that the Mayor of Boston would not want to see an accident in the Boston City Hospital on account of the shutting down of the elevator service, and I know that when this condition is called to the attention of his Honor the Mayor, he will instruct the trustees of the Boston City Hospital to restore this elevator service in order that we may give these poor people the elevator service to which they are entitled.

The order was passed under suspension of the rule.

Chairman FITZGERALD—There being no further business before the Council, the Council stands adjourned.

Adjourned at 4.56 p. m., to meet on Monday, September 11, 1939, at 2 p. m.





## CITY OF BOSTON.

## Proceedings of City Council.

## SPECIAL MEETING.

Monday, September 11, 1939.

Special meeting of the City Council in the Council Chamber, City Hall, at 11 a. m., President MURRAY in the chair and all present except Coun. Norton.

The meeting was held pursuant to the following call:

City of Boston,

Clerk of Committees, September 7, 1939.

To the Members of the City Council.

Gentlemen,—You are hereby requested to assemble in the City Council Chamber, City Hall, on Monday, September 11, 1939, at 11 o'clock a. m., for the purpose of drawing jurors and for such other business as may come before the Body. This call is made in order that there be no conflict with the Mayor's Field Day which is scheduled for the afternoon of September 11, and in which the members of the City Council will participate.

Respectfully,

GEORGE A. MURRAY, President.

## JURORS DRAWN.

Jurors were drawn under the law, Coun. ROSENBERG presiding in the absence of the Mayor, as follows:

Seventy-nine traverse jurors Superior Criminal Court, to appear October 2, 1939:

Thomas J. Coughlin, Ward 1; Victor J. Langone, Ward 1; John B. Monahan, Ward 1; Frank T. Paiva, Ward 1; James L. Anthony, Ward 2; John F. Delay, Ward 2; John J. Harrigan, Ward 2; James E. McLaughlin, Ward 2; John M. Fitzgerald, Ward 3; Daniel A. Keating, Ward 3; Timothy J. O'Leary, Ward 3; Joseph Zine, Ward 3; Henry C. Zimmer, Ward 4; Philip A. Begley, Ward 6; Dominic C. Clancy, Ward 6; Thomas A. Curley, Ward 6; Joseph W. Hassen, Ward 6; Coleman J. Hogan, Ward 6; Francis J. Lynch, Ward 6; Edward J. Noonan, Ward 6; Frederick T. Byrnes, Jr., Ward 7; Arthur E. Carven, Ward 7; James H. Conlon, Ward 7; William Hogan, Ward 7; Joseph L. Lewis, Ward 7; Nicholas M. Martin, Ward 7; Timothy M. Sullivan, Ward 7; John J. McCarthy, Ward 7; Thomas Callahan, Ward 8; Gerard E. Cassidy, Ward 8; Thomas F. Fahey, Ward 8; John P. Mockler, Ward 8; James J. Cleary, Ward 9; George J. Scully, Ward 9; John J. Ryan, Jr., Ward 10; Joseph Stone, Ward 10; Sherman W. Allen, Ward 11; John H. Finnity, Ward 11; John D. Noonan, Ward 11; Sydney H. Pollard, Ward 11; Harold J. Richardson, Ward 11; John P. Sweeney, Ward 11; Philip A. Tracy, Ward 11; Albert O. Duncan, Ward 13; John J. Hennessey, Ward 13; Philip Lydon, Ward 13; John F. Moran, Ward 13; William J. Kiernan, Ward 14; Timothy J. Collins, Ward 15; Daniel F. Donovan, Ward 15; Neil F. Duffly, Ward 15; Joseph M. May, Ward 15; Robert Mefan, Ward 15; Herbert K. Smith, Ward 15; John W. Halpin, Ward 16; Charles G. Kelley, Ward 16; George Archilles, Ward 17; Edward Kramer, Ward 17; Edward G. McMornis, Ward 17; Melvin R. Burt, Ward 18; Thomas Delorey, Ward 18; Patrick J. Donlon, Ward 18; James M. Flaherty, Ward 18; Victor E. Johnson, Ward 18; John J. Masotta, Ward 18; Harold O. Schmidt, Ward 18; Douglas L. Richardson, Ward 19; Albert W. Ball, Ward 20; Jules Mischler, Ward 20; George F. Munroe, Ward 20; William J. O'Brien, Ward 20; Raymond F. O'Neil, Ward 20; Joseph M. Sanderson, Ward 20; Clifford W. Smith, Ward 20; Maurice S. Barkin, Ward 21; William J. Callahan, Ward 21; William R. Daly, Ward 22; John J. Kerins, Ward 22; Harry E. Newton, Ward 22.

One hundred nine traverse jurors, Superior Civil Court, October Sitting, to appear October 2, 1939:

William O. Foster, Ward 1; John C. Howard, Jr., Ward 1; John F. Goff, Ward 2; William C. Kelly,

Ward 2; John J. McCabe, Ward 2; Michael J. Murphy, Ward 2; Hugh F. Murray, Ward 2; Bartholomew F. Sheehan, Ward 2; John Toland, Ward 2; Samuel Abendi, Ward 3; John Lanigan, Ward 3; John J. McCoy, Ward 3; Arthur J. Pierano, Ward 3; John H. Daly, Ward 4; Maurice P. Fitzgerald, Ward 4; Theodore R. Garrett, Ward 4; Thomas Munroe, Ward 4; James F. Murray, Ward 4; Max Raphael, Ward 4; Edward A. Wiessner, Ward 4; Charles R. Bingham, Ward 5; Arthur S. Bornstein, Ward 5; Henry J. Brown, Ward 5; James H. Marshall, Ward 5; George H. Yeames, Ward 5; John Altha Chiangles, Ward 6; John E. Cushing, Ward 6; Harold C. Earl, Ward 6; John J. Lane, Ward 6; James J. Milligan, Jr., Ward 6; James L. Roach, Ward 6; Patrick J. Costello, Ward 7; Joseph F. Crowley, Ward 7; James T. Cronan, Ward 7; Andrew T. Halpin, Ward 7; Bartholomew J. Flaherty, Ward 7; John Heade, Ward 7; Joseph F. Sutter, Ward 7; Thomas F. Corbett, Ward 8; James A. Kiley, Ward 8; Joseph P. McNulty, Ward 8; Ralph C. Blair, Ward 9; Thomas M. Brooks, Ward 9; Harry J. Kilroy, Ward 9; Thomas Walsh, Ward 9; Gerard A. Gilroy, Ward 10; James J. Kirby, Ward 10; John A. MacDonald, Jr., Ward 10; James F. McGlame, Jr., Ward 10; John J. Roche, Ward 10; Thomas J. Qualters, Ward 10; John H. Hall, Ward 11; Elias S. Malouf, Ward 11; Henry T. McLaughlin, Ward 11; Frank J. Peterson, Ward 11; Charles F. Boyd, Ward 11; Daniel Callaghan, Ward 12; Morris H. Gerber, Ward 12; Thomas J. Kline, Ward 12; John M. McCaughey, Ward 12; John V. Parnell, Ward 12; John J. Riley, Ward 12; Harry A. Robinson, Ward 12; William LeRoy Roper, Ward 12; Michael H. Burke, Jr., Ward 13; Edward MacFawn, Ward 13; Walter A. Mitton, Ward 13; Samuel Garber, Ward 14; William N. Greene, Ward 14; Samuel Perlmutter, Ward 14; Albert Rosenberg, Ward 14; George Seigel, Ward 14; Herbert E. Ladner, Ward 15; William D. Mullane, Ward 15; Joseph M. Quigley, Ward 15; Otis W. Storer, Ward 15; Paul H. White, Ward 15; Raymond L. Buck, Ward 17; William S. Courtney, Ward 17; Harry L. Davis, Ward 17; Ambrose E. Flaherty, Ward 17; Robert A. Macaulay, Ward 17; John F. Mulkern, Ward 17; Patrick F. O'Meara, Ward 17; Martin J. Conley, Ward 18; Frank T. Dolle, Ward 18; Harry L. Gilbert, Ward 18; Willis H. Leach, Ward 18; Owen F. Lyons, Ward 18; William M. Meissner, Ward 18; John Baird, Ward 19; Frank W. Ganter, Ward 19; William Haasis, Ward 19; Frederick M. Holbrook, Ward 19; John N. Preble, Ward 19; Frederick N. Thorson, Ward 19; Fred Ihler, Ward 20; Thomas V. Mahoney, Ward 20; Andrew J. McCarthy, Ward 20; James B. Norris, Ward 20; Fred E. Proudman, Ward 20; John P. Rinn, Ward 20; John A. Schmidt, Ward 20; Alden W. Drinkwater, Ward 21; William F. Peters, Ward 21; William F. Russell, Ward 21; Robert J. Hawkins, Ward 22; James C. Lyons, Ward 22; Anthony C. Riordan, Ward 22.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

City of Boston,

Office of the Mayor, September 11, 1939.

To the City Council.

Gentlemen,—Subject to confirmation by your Honorable Body, I hereby appoint the following-named persons as weighers:

Weighter of Goods: Kenneth C. Cole, 9 Dana street, Cambridge; Francis P. Soucie, 70 Austin street, Cambridge.

Weighter of Coal: Paul J. Richtenburg, Jr., 214 Florence street, Roslindale.

Respectfully,

MAURICE J. TOBIN, Mayor.

Severally laid over one week under the law.

## RESURFACING WHITBY STREET, WARD 1.

The following was received:

City of Boston,

Office of the Mayor, September 11, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of August 28, 1939, concerning the

resurfacing with smooth pavement Whitby street Ward 1, East Boston, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
September 5, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Whitby street, Ward 1, East Boston, under the W. P. A. plan of construction.

Please be advised that this street is a private way and this department has no jurisdiction therein. The matter of acceptance of Whitby street should be taken up with the Board of Street Commissioners, Room 401, City Hall Annex, Boston.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### PARTIAL ABATEMENT ON PROPERTY TAKEN BY EMINENT DOMAIN.

The following was received:

City of Boston,  
Office of the Mayor, September 11, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Principal Assessor relative to your order of August 28, 1939, concerning the request to abate 1939 tax valuations, on real estate of resident owners taken in eminent domain proceedings by the Boston Housing Authority, to a valuation not in excess of the appraisal made in said eminent domain proceedings.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Assessing Department, September 7, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—Answering your memorandum of August 31, 1939, addressed to the Board of Assessors, and inclosing an order from the City Council which reads as follows:

"Ordered, That the Board of Assessors, through his Honor the Mayor, be requested to abate 1939 tax valuations, on real estate of resident owners taken in eminent domain proceedings by the Boston Housing Authority, to a valuation not in excess of the appraisal made in said eminent domain proceedings."

I am writing to say that abatements of valuation can only be considered when individual applications on each parcel sought to be abated are filed on or before November 15, 1939.

Abatements in bulk cannot be made.

Yours truly,  
JOHN C. L. DOWLING, Principal Assessor.

Place on file.

#### IMPROVEMENTS AT WILLIAM E. CARTER PLAYGROUND.

The following was received:

City of Boston,  
Office of the Mayor, September 11, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Park Department relative to your order of August 28, 1939, concerning the regrading and cleaning of the William E. Carter Playground and to repair benches, install shower baths and make whatever improvements may be necessary thereon.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, September 1, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of August 31, with inclosure, order from the City Council to regrade the William E. Carter Playground, etc.

I regret exceedingly to inform you that the only improvements that can be made on the Carter Playground will have to be made by our own men. A project was submitted to the Federal Government to do what I considered the necessary repairs and improvements.

This project was returned with the statement that the Federal Government looked on these improvements as maintenance and should be taken care of by the city. The department will endeavor to do what it can to improve this area with our limited force.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### BOSTON STREET BOOKS.

The following was received:

City of Boston,  
Office of the Mayor, September 11, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Acting Superintendent of the Printing Department relative to your order of August 28, 1939, concerning the progress made in the matter of new edition of Boston Street Books, in accordance with Council order of February 14, 1939.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Printing Department, September 5, 1939.  
Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your letter of August 31 concerning the printing of a new edition of the Boston Street Book in accordance with Council order of February 14, 1939, please be advised that although the order to print the Street Book was passed by the Council on the above date, the copy for the book did not arrive at this office until the middle of July, owing to the large amount of work required in preparing the copy for printing.

The edition is now on the press and copies should be available for distribution by the 15th of September.

Respectfully yours,  
JOHN J. TWOMEY,  
Acting Superintendent.

Placed on file.

#### TRANSFER FROM PARKMAN FUND TO MAINTENANCE OF COMMON AND PARKS.

The following was received:

City of Boston,  
Office of the Mayor, September 6, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Board of Park Commissioners requesting the transfer of the sum of \$20,000 from the income of the George F. Parkman Fund to the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887.

I submit herewith an appropriation order and respectfully recommend its immediate passage by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$20,000 be, and hereby is, appropriated from the income of the George F. Parkman Fund, to be expended under the direction of the Park Commissioners, for the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887, as follows:

Common and Parks in Existence on	
January 12, 1887, Maintenance and	
Improvement of.....	\$20,000

City of Boston,  
Park Department, September 5, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—By vote of the Board of Park Commissioners you are respectfully asked to request the City Council to transfer from the income of the George F. Parkman Fund the sum of \$20,000 which is now available, to be expended under the direction of the Board of Park Commissioners, as follows:

Common and Parks in Existence on  
 January 12, 1887, Maintenance and  
 Improvement of..... \$20,000

When making up the budget estimates for the year 1939, a sum equal to the total yearly income of the George F. Parkman Fund was deducted from Item A-1, Permanent Employees, with the understanding that this deduction was to be replaced by the total yearly income of said Parkman Fund for 1939, to be transferred as it accrued from time to time during the year to the regular maintenance appropriation of the Park Department.

Respectfully yours,  
 WILLIAM P. LONG, Chairman.

Question came on the passage of the order. Order was passed, yeas 17, nays 0.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Samuel Alperin, for refund on junk-shop keeper's license.

Joseph Boucher, for compensation for damage to car caused by an alleged defect in Tileston street.

Gertrude Boxwell, for compensation for damage to car caused by an alleged defect at Beach and Lincoln streets.

F. Brooks, for refund on plumbing permit.  
 Angie F. Connor, for compensation for injuries caused by an alleged defect in Tremont street.

Dominic Correnti, for compensation for injuries caused by ash collector.

Economy Grocery Stores Corporation, for compensation for damage to property at 260 Warren street, caused by water seeping into cellar.

Carolyn Ferguson, for compensation for injuries caused by an alleged defect at 2285 Washington street, Roxbury.

Hamlet Guarini, to be reimbursed for duplicate milk license.

Delia J. Healey, for compensation for injuries caused by an alleged defect in Boylston street.

Jack Katze, for reimbursement for junk-shop dealer's license.

Martha J. Kelley, for compensation for injuries caused by an alleged defect in Brattle street.

F. Malatesta, for compensation for damage to property at 104 Richmond street, caused by leak in water pipe.

Henry McFadden, to be reimbursed for judgment issued against him.

John J. Meads, to be reimbursed for judgment issued against him.

Mary A. Paul, for compensation for injuries caused by an alleged defect at 284 Massachusetts avenue.

Robert M. Rodman, for compensation for damage to car by horse and wagon.

Alfred S. Tobetti, for compensation for damage to car by city truck.

U-Dryvit Auto Rental Company, Inc., for compensation for damage to truck by city truck.

Walter F. Wenzel, to be reimbursed for judgment issued against him.

Edward T. Whitney, for compensation for damage to car by city wagon.

Executive.

Massachusetts Retail Grocers and Provision Association, for children to appear at the Boston Gardens, October 14 to October 21, inclusive.

ALTERATION OF MERIDIAN STREET BRIDGE.

The following communication was received from the Finance Commission:

September 1, 1939.

Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Sir.—Recently the local office of the United States Engineering Service, War Department, made announcement that a public hearing will be held here on September 15:

“Upon the question of requiring the City of Boston to alter the Meridian Street Bridge across Chelsea Creek between East Boston and Chelsea.”

Investigation by the Finance Commission has revealed that this announcement may be considered as the initial step in a matter which might eventually cost the City of Boston several million dollars. It may mean more than the construction of a single new high-level drawbridge at Meridian street. The cost of this alone has been figured by the Public Works Department at not less than three million dollars.

The Finance Commission has been unable to determine definitely just where the agitation for this new high-level Meridian Street Bridge at Boston expense started. The Manager of the Maritime Association of the Boston Chamber of Commerce broadcast a circular the day after the hearing was officially announced in which he stated:

“One of the Maritime Association's Objectives for 1939 was to have the present Meridian Street Bridge, between East Boston and Chelsea, replaced by a modern structure. The matter was not allowed to rest, and as a result, it is gratifying to bring to your attention the attached copy of a notice of public hearing. . . .”

There has been gossip on the waterfront that the Navy Department is to establish a Federal oil farm on the upper shore of the creek. This kind of propaganda has preceded previous efforts to obtain permits for oil farms in this vicinity. No official confirmation of this gossip has been obtainable. The War Department Engineering Service, which has ordered the hearing, is apparently only interested in making the channel through the Chelsea Creek more easily navigable for any vessels that might have occasion to pass up the creek.

There has been a bridge from Boston to Chelsea at Meridian street for almost a century. In 1912 the city rebuilt a portion of the original bridge, and provided a new draw with a clearance of one hundred feet.

According to the announcement by the War Department Engineer, the Federal Government now requires a horizontal clearance of not less than one hundred seventy-five feet and a draw span located closer to the East Boston bank than the present draw. The official notice gives no suggestion of why such a material change is necessary.

Where the land along Chelsea Creek is occupied, it contains mostly oil farms providing local storage facilities for the major oil companies.

The Lighthouse Depot of the United States Department of Commerce is located on the Chelsea bank adjacent to the Meridian Street Bridge. Naturally, therefore, the bulk of the marine traffic in the creek has consisted of oil tankers.

The channel up the creek is tortuous, but has answered all the requirements of traffic to the oil farms.

The Meridian Street Bridge constitutes the shortest approach for Chelsea and Revere through East Boston to Boston. The main lines of the Boston Elevated Railway Company from these municipalities make the crossing here to enter the East Boston trolley tunnel. Persons desiring to walk from the inner end of East Boston to the Chelsea square section usually go by way of this bridge. Automobile traffic to a large extent has been attracted away from the Meridian Street Bridge by the wider highway and easier approach across the Chelsea Street Bridge, a mile easterly.

The Chelsea Street Bridge is an entirely new structure, opened within a year. The City of Boston received no help from Chelsea toward the financing of the bridge, though its day-to-day use is largely by residents of Chelsea and other municipalities in that general direction. Its cost was \$700,000.

Like the situation with regard to the Meridian Street Bridge, the horizontal clearance for navigation through the Chelsea Street Bridge is one hundred feet. Within ten yards of this Chelsea Street Bridge to the east, is a Boston & Albany Railroad trestle which has a clearance of only seventy feet.

The size of vessel desiring to go up the creek, naturally, is limited by the narrowest point of clearance. It may be said, therefore, that nothing more than an easier approach to the mouth of the creek is gained by widening the clearance at the Meridian Street Bridge from one hundred to one hundred seventy-five feet unless the clearance at the Chelsea Street Bridge is also widened from one hundred to one hundred seventy-five

feet; and unless the Boston & Albany Railroad trestle is likewise changed to provide a one hundred seventy-five foot clearance.

In all three cases, to provide one hundred seventy-five foot clearance will mean entirely new bridges.

There has been some suggestion that the City of Boston might save expense by elimination of the Meridian Street Bridge altogether. This, naturally, would satisfy those who only seek a wider clearance for marine navigation. Because of other considerations, however, such as the fact that it is used by the main lines of the Boston Elevated Railway Company from Chelsea and, if eliminated, would leave but one crossing to the north from East Boston, the Finance Commission does not recommend the elimination.

It is plain that the high level bridge, necessary to meet the War Department order or the Maritime Association's agitation, is not required for any distinctly municipal purpose.

This agitation for a better directed channel and a wider bridge clearance is exactly similar to agitations from time to time with respect to land developments which aim to straighten out and widen highways.

In this Chelsea Creek situation it appears that the owners of the present oil farms located along the creek are the inspirators of this new project. Though it undoubtedly is desirable from a city standpoint to have a new structure replace this out-worn and out-moded Meridian Street Bridge, such a bridge as has now been suggested serves particularly a special interest—either the owners of the oil farms or the Federal Government.

The Finance Commission believes, since the wider clearance is ordered by federal authority, that the change should be made at federal expense. Therefore the Finance Commission recommends that the City authorities oppose the plan on any other basis with vigor.

It is rather significant that the Boston Port Authority, the official local agency which has advocated scores of port development ideas, has never mentioned the need of a wider clearance than now exists on the bridges in Chelsea Creek.

As Mayor, you have held strictly, up to the present time, to a policy of a refusal to accede to proposals to add to the municipal debt. It has appeared to the Finance Commission that you have been encouraged and supported in this determination by those who claim to have in mind the best interests of the city.

The Finance Commission urges you to enlist the support of these same people in an aggressive battle against the effort to impose this unwarranted new burden on the City of Boston. It would appear that those interested in such a harbor development should have sought Federal Government appropriation for it.

Respectfully submitted,

DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCOLPONEI,  
JAMES H. FLANAGAN,  
The Finance Commission.

Placed on file.

#### PROFITEERING ON NECESSARIES.

Coun. CHASE offered the following:

Ordered, That his Honor the Mayor be requested to urge the State Division of the Necessities of Life to take all possible steps to prevent any attempts to take advantage of the present war situation by profiteering; and be it further

Ordered, That if it is found that the State Division of the Necessities of Life has not the authority to take such action that his Honor the Mayor be requested to consider the advisability of requesting his Excellency the Governor to call a special session of the Legislature for the enactment of such legislation as is necessary to prevent any profiteering.

Passed under suspension of the rule.

#### ERECTION OF SHELTER ON COLUMBIA ROAD RESERVATION.

Coun. HUTCHINSON offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through

his Honor the Mayor, to erect a shelter on Columbia road reservation, at Uphams Corner, for the protection of patrons against inclement and cold weather.

Passed under suspension of the rule.

#### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President MURRAY called up, under unfinished business, Nos. 2 and 3 on the calendar, viz.:

2. Action on appointments submitted by the Mayor August 28, 1939, of Leonard B. Cornish, Americo A. De Simone, William A. Marston and David Esterman, to be Constables, with authority to serve civil process upon filing bonds.

3. Action on appointments submitted by the Mayor August 28, 1939, of Henry S. Kettendorf and Charles J. Toye, to be Weighers of Goods; Harry Rosenthal, to be a Weigher of Coal; and John H. Ratigan, to be a Measurer of Wood and Bark.

Question came on confirmation. Committee, Coun. Sullivan and Galvin. The appointments were confirmed, yeas 11, nays 3.

#### CONSTRUCTION OF SIDEWALK ON HUDSON STREET, WARD 3.

Coun. FITZGERALD offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Hudson street (both sides), Ward 3, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of granolithic, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### LEAVE OF ABSENCE FOR EMPLOYEES OF JEWISH FAITH ON JEWISH HOLIDAYS.

Coun. ROSENBERG and TAYLOR offered the following:

Ordered, That his Honor the Mayor instruct all City Department Heads to permit all employees of Jewish Faith to have leave of absence, without loss of pay, on the following days: September 14, 15 and 23, the occasions being the Jewish High Holidays.

Passed under suspension of the rule.

#### RESURFACING MT. PLEASANT AVENUE, WARD 8.

Coun. McMAHON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving Mt. Pleasant avenue, Ward 8.

Passed under suspension of the rule.

#### AUTHORIZATION FOR A NOTARY PUBLIC IN EACH WELFARE UNIT.

Coun. McMAHON offered the following:

Ordered, That the Director of the Public Welfare Department be directed, through his Honor the Mayor, to arrange for the authorization of one person in each welfare unit as a notary to take care of the certification of applications in connection with W. P. A. employment.

Coun. McMAHON—As I understand the situation when a W. P. A. employee is laid off under the thirty-day law, it is necessary for him then to become recertified. If he has to file a certificate of citizenship, he goes to the welfare unit. He is given the affidavit of citizenship and then he has to take that affidavit to a notary public and if he does not know of any one who is a notary public he has to go to some man who is authorized by the state to practice as a notary public and has to pay him a fee. Sometimes if he does happen to know a notary public, the notary public is located in a place where that W. P. A. employee must pay carfare to go to him. There isn't any reason

that I can see for having such red tape and there isn't any reason that I can see why at least one employee of the City of Boston in each welfare unit could not be authorized by the Commonwealth of Massachusetts to be a notary public. If that was done, then that affidavit of citizenship could be taken care of right away and the W. P. A. employee could be certified quicker and sooner and he able to get hack on the pay roll sooner. I hope the order passes.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition of Louis A. Allescio (referred August 28) for driveway opening at 117 Gladstone street, East Boston—that leave be granted.

2. Report on petition of Atlantic Refining Company (referred August 28) for driveway opening at 524 Warren street, Roxbury—that leave be granted.

Report accepted; permit granted under usual conditions.

SURPLUS COMMODITY STATION FOR WARD 20.

Coun. LYONS offered the following:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to establish a station for the distribution of surplus commodities in Ward 20.

Passed under suspension of the rule.

PROPOSED SET-BACK OF HOUSING PROJECTS ON PARKER STREET.

Coun. CAREY offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to arrange, as proposed sometime ago, for a set-back of at least ten feet for the buildings to be constructed by the local Housing Authority along Parker street, in Ward 10, between Ward street and Tremont street.

Coun. CAREY—Mr. President, for many years there have been plans contemplated to widen Parker street and to make a so-called boulevard along there to Jamaica Plain. I think at the present time with the plans completed by the Housing Authority that certain space that would permit of the widening of Parker street some ten feet between Ward and Tremont streets should be considered by the Housing Authority. After these buildings have been constructed it will be too late. There will be no chance of widening Parker street and I hope this matter will be given the attention of the Housing Authority.

Passed under suspension of the rule.

TRANSFER OF LAND TO PARK DEPARTMENT.

Coun. HUTCHINSON offered the following:

Ordered, That the custody of the vacant lot bounded by Folsom, Hartley, Dudley streets and Howard avenue be transferred to the Park Department, the title to same having been foreclosed by the Real Estate Division of the Public Buildings Department.

Passed under suspension of the rule.

Coun. WILSON—I would like to submit an order orally, which I will submit in writing with

reference to these housing buildings. An order was passed by the Council a couple of weeks ago to the effect that the Board of Assessors of the City of Boston in all fairness and equity should abate taxes on properties of resident owners in such districts as Charlestown where the city has been assessing them, we will say, at \$3,500 and the Housing Authority by eminent domain proceedings has taken them at a figure less than that. It seems where the city is paying out a rock bottom price to the Housing Authority,—and it is a technicality to say the city isn't doing it,—where the Housing Authority is paying out a rock bottom price, it seems to me the city should adjust taxes this year and deduct from that tax on a basis of the higher valuation. As I understand the message from the Mayor's office, he endeavors to point out where such abatements are desired, the individual owners must file for the abatement. Of course that is not so. As I understand the law, the owner as of January 1 this year has until the 15th of November to file a petition for abatement. If the ownership has changed during the year, as all these places have changed in ownership, the new owner has until October 1 or October 15, I am not just sure which, to ask for an abatement, and I again repeat that it seems to me a matter of ordinary equity that the Boston Housing Authority should file abatement petitions for any properties previously owned by resident owners in the Mission Hill and the Charlestown districts, for example, so a woman whose property has been assessed for \$3,500 through the years and has been given only \$2,500 for the little home, her deduction should be on the basis of the same valuation as was found in the sale; and so the order which I desire to offer at this time is that the Boston Housing Authority file abatement petitions for properties previously occupied by resident owners which have been taken through eminent domain proceedings.

HOUSING PROJECTS ABATEMENTS.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to file abatement petitions to reduce 1939 real estate valuation on each property taken incident to new housing projects to that valuation allowed in taking by the Housing Authority, so that any adjustment of 1939 taxes shall be on the basis of present market value determined by experts for the Housing Authority.

NEXT MEETING.

On motion of Coun. WILSON it was voted that when the Council adjourns it be to meet again on Monday, September 18, 1939, at 2 p. m.

RESURFACE BREWER STREET, WARD 19

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving Brewer street, Ward 19.

Passed under suspension of the rule.

The purpose of the meeting which was called having been accomplished the PRESIDENT declared the meeting adjourned.

Adjourned at 12 m., to meet on Mouday, September 18, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, September 18, 1939.

Regular meeting of the City Council in Council Chamber, City Hall, at 2 p. m., President MURRAY in the chair. Absent, Coun. Kerrigan.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

City of Boston,  
Office of the Mayor, September 18, 1939.  
To the City Council.

Gentlemen,—Subject to confirmation by your Honorable Body, I hereby appoint the following-named persons as weighers:

Weigher of Coal: George R. Gorman, 10 Salem street, Charlestown.

Weigher of Goods: Henry S. Kettendorf, 536 Harrison avenue, Boston.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Office of the Mayor, September 18, 1939.  
To the City Council.

Gentlemen,—Subject to confirmation by your Honorable Body, I hereby appoint the following-named person as a constable of the City of Boston for the term of one year, beginning with the first day of May, 1939, without power to serve civil process and to serve without bond, *vice* Frederick Roche, resigned.

William F. Nyhan, 1174 Columbus avenue, Ward 9.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Office of the Mayor, September 18, 1939.  
To the City Council.

Gentlemen,—Subject to confirmation by your Honorable Body, I hereby appoint the following-named person as a constable of the City of Boston for the term of one year, beginning with the first day of May, 1939, without power to serve civil process and to serve without bond, *vice* Edward McCarthy, resigned.

John J. Foley, 167 Hamilton street, Ward 15.

Respectfully,  
MAURICE J. TOBIN, Mayor.  
Severally laid over for one week under the law.

## STREET LIGHTING, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, September 18, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President of the Boston Consolidated Gas Company relative to your order of August 7, 1939, concerning the lighting of the streets of Ward 13.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Consolidated Gas Company,  
100 Arlington Street, Boston,  
August 22, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—This will acknowledge receipt of your communication of August 11 inclosing copy of the order of the City Council in regard to the Boston Consolidated Gas Company living up to the terms of their contract for lighting the streets of Ward 13.

We are at a loss to understand this, as we feel we were living up to the terms of our contract. We have checked over the reported outages during the past three months and find that in Ward 13 these were as follows: May, 1; June, 3; July, 0.

If we can be of any further service, kindly call on us.

Very truly yours,  
E. M. FARNSWORTH,  
President.

Placed on file.

## REPAVING NEW HEATH STREET.

The following was received:

City of Boston,  
To the Mayor, September 18, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of August 28, 1939, concerning the repaving with smooth pavement New Heath street, Ward 10, between Heath square and Columbus avenue, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
September 11, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works repave with smooth pavement New Heath street, Ward 10, between Heath square and Columbus avenue, under the W. P. A. plan of construction.

This will advise you that this street will be submitted for approval on a W. P. A. project during the early part of next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## DRINKING FOUNTAINS IN CITY HOSPITAL WAITING ROOMS.

The following was received:

City of Boston,  
Office of the Mayor, September 18, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President, Board of Trustees of the Boston City Hospital, relative to your order of August 28, 1939, concerning the provision for drinking fountains for persons in the hospital waiting rooms, particularly in the out-patient departments.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Hospital Department, September 8, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—At a meeting of the Board of Trustees held today, an order of the City Council was presented, which read as follows:

“Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to provide drinking fountain facilities for persons in the hospital waiting rooms, particularly in the out-patient department.”

The trustees expressed their willingness to provide drinking fountain facilities in such waiting rooms in the hospital as are not already provided with these facilities.

Yours very truly,  
CARL DREYFUS,  
President, Board of Trustees.

Placed on file.

## ELEVATOR SERVICE AT CITY HOSPITAL.

The following was received:

City of Boston,  
Office of the Mayor, September 18, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the President of the Board of Trustees of the Boston City Hospital concerning your order of August 28, 1939, relative to the advisability of

restoring of the elevator service in the main building, between the first and third floors, on which the Settlement Office is located.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Hospital Department, September 8, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Tobin,—At a meeting of the Board of Trustees held today, a communication was presented from Mr. William T. Doyle, chief clerk, inclosing for consideration and report the following order of the City Council:

"Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to consider the advisability of restoring the elevator service in the main building, between the first and third floors, on which the Settlement Office is located."

During the summer, Wards D and O and all the wards in the vicinity of this elevator were closed and the elevator was closed down as there was little or no business going to this section of the hospital with the wards being closed.

In the near future, however, we are opening Ward O, and elevator service will be resumed as soon as this ward is opened.

Yours very truly,  
CARL DREYFUS,  
President, Board of Trustees.

Placed on file.

#### RECONSTRUCTION OF SEWALL STREET, WARD 10.

The following was received:

City of Boston,  
Office of the Mayor, September 18, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of August 28, 1939, concerning the reconstruction of Sewall street, Ward 10, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
September 11, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works construct Sewall street, Ward 10, under the W. P. A. plan of construction.

Please be advised that this street will be submitted for approval on a W. P. A. project during the early part of next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### TRANSFERS WITHIN DEPARTMENTAL APPROPRIATIONS.

The following was received:

City of Boston,  
Office of the Mayor, September 18, 1939.  
To the City Council.

Gentlemen,—The attached requests for transfers within departmental appropriations have been examined and investigated by the Budget Commissioner. I accordingly recommend adoption of the accompanying orders by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Fire Department:

From the appropriation for B, Contractual Services, \$3,000, to the appropriation for E, Materials, \$3,000.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Institutions Department, steamers "Hibbard" and "O'Meara":

From the appropriation for A, Personal Service, \$550, to the appropriation for B, Contractual Services, \$550.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Registry Department:

From the appropriation for A, Personal Service, \$600, to the appropriation for D, Supplies, \$600.  
Referred to Executive Committee.

#### ORDINANCE CHANGE — REMOVAL OF SNOW.

The following was received:

City of Boston,  
Office of the Mayor, September 18, 1939.  
To the City Council.

Gentlemen,—I submit herewith a proposed change in chapter 44, section 39, of the Revised Ordinances of 1925.

The attached communication from the Commissioner of Public Works indicates that the reason for this amendment is to prevent the indiscriminate placing of snow in city streets by owners of private properties, which is a cause of greater expense to the city and multiplies traffic impediments after a snowfall.

The proposed amendment will prohibit the placing of snow in city streets by private owners in the downtown section of the city, and I respectfully recommend passage of this proposed amendment by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston.

In the Year Nineteen Hundred and Thirty-Nine.  
An Ordinance.

Be it ordained by the City Council of Boston, as follows:

Section forty-five of chapter 39 of the Revised Ordinances of 1925 is hereby amended by striking out in the last three lines of said section the following words — place any ice or snow in a street, outside of the sidewalk, unless the same is made even at the time of placing — and substitute therefor the following words — "remove any ice or snow from privately owned property and place it in the street in that territory bounded by the Roxbury Canal, South Bay, Fort Point Channel, Boston Harbor; Charles River to Massachusetts Avenue by and including Massachusetts Avenue to the Roxbury Canal."

City of Boston,  
Public Works Department,  
September 18, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—Over a period of years this department has experienced difficulty in preventing owners and operators of gasoline stations and parking areas from removing snow from their property and disposing of it in the roadway area adjacent to their particular premises.

Very often the operators do not shovel the snow from their properties onto the public street until after the snow has been removed by this department. In such cases, in order to remove hazardous conditions caused by the piling of this snow outside of these locations after the rest of the street has been cleaned, we find it necessary to have men or equipment return to that location and remove the snow at the city's expense. Even if the operators of these stations dispose of their snow in the street before the normal volume of snow in the street has been removed, you can readily see that the City of Boston is put to the expense of removing and hauling the snow that was placed in the street by the operators of these gas stations and parking areas.

In order to correct these conditions and require the operators of these gas stations and parking areas in the intown district to remove the snow from their private property at their expense, I recommend that section 44 of chapter 39 of the Revised Ordinances of 1925 be amended by striking out the following words: "place any ice or snow in a street, outside of the sidewalk, unless the same is made even at the time of placing," and substituting therefor, "remove any ice or snow from privately owned property and place it in the street in that territory bounded by the Roxbury Canal, South Bay, Fort Point Channel,



Boston Harbor; Charles River to Massachusetts Avenue by and including Massachusetts Avenue to the Roxbury Canal."

The clauses that I propose removing from this section are unnecessary, as they evidently were included in the City Ordinances in those days when no plowing of the streets was done and when the usual means of transportation was the horse and sleigh.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Referred to Committee on Ordinances.

**SALE OF CITY-OWNED HORSES.**

The following was received:

City of Boston,  
 Office of the Mayor, September 18, 1939.  
 To the City Council.

Gentlemen,—I submit herewith an order for the sale of not exceeding twenty-five horses, now the property of the Public Works Department.

The attached communication from the Commissioner of Public Works sets out the lack of necessity for maintaining the full complement of horses because of the more general use of motor vehicles in removal of ashes and garbage.

I concur with the proposal of the Commissioner of Public Works and respectfully recommend passage of the accompanying order by your Honorable Body.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

Ordered, That the Commissioner of Public Works be authorized to sell at public or private sale to the highest bidder, and at such times as he may deem appropriate, one or more horses, not exceeding twenty-five in number, now the property of the Public Works Department

City of Boston,  
 Public Works Department,  
 September 18, 1939.

Hon. Maurice J. Tobin,  
 Mayor of Boston.

Dear Mr. Mayor,—During the last several months on occasions when I have visited the barns used by the Sanitary Division of this department for the housing of horses, I have invariably found from ten to twenty horses standing in the stalls because of there being no necessity of working them on that particular day.

This factor, in addition to my opinion that the time has come when horses should not be used for street cleaning or ash and garbage removal work, except in those narrow alleys where it is impossible to operate a motor vehicle, is the reason why I feel that we should start gradually to dispose of the ninety-four horses now used by the Sanitary Division for the purposes of ash and garbage removal and street cleaning work. While it is not my intention to dispose of these horses all at one time, I feel that I may be able to enter into negotiations, within the next six months or year, with persons who might desire to buy one or more horses. The total sale price of some particular deal might possibly be in excess of \$500, and because of this, I feel it would be best to receive the approval of the City Council for the disposition of these horses.

I respectfully request that an order be introduced in the Council, authorizing the disposition, by sale or otherwise, of twenty-five horses, by the Commissioner of Public Works, at his discretion, in whatever manner he deems advisable, to the best interests of the city.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Referred to Executive Committee.

**TRANSFERS TO H, RELIEF PROJECTS ITEMS IN LIBRARY DEPARTMENT BUDGET.**

The following was received:

City of Boston,  
 Office of the Mayor, September 18, 1939.  
 To the City Council.

Gentlemen,—I am advised by the trustees of the Boston Public Library that the appropriation

in the 1939 budget for W. P. A. projects is practically exhausted, and in order to carry on the projects now in operation, additional funds will be needed. Due to delay in the approval of new projects, there are surplus funds available in the appropriations for W. P. A. projects in the budgets of the Election and Fire Departments.

I am, therefore, forwarding herewith an order providing for the transfer of \$2,000 from the H, Relief Projects item in the Fire Department budget, and \$2,000 from the H, Relief Projects item in the Election Department budget, a total of \$4,000, to the H, Relief Projects item in the Library Department budget, and recommend its adoption by your Honorable Body.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

Ordered, That under authority of chapter 261 of the Acts of 1893, the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Election Department, H, Relief Projects, \$2,000; Fire Department, H, Relief Projects, \$2,000, to the appropriation for Library Department, H, Relief Projects, \$4,000.

Referred to Executive Committee.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, viz.:

**Claims.**

James Carruthers, to be reimbursed for repairs to water pipe at 12 Bothwell road, Brighton.

Arthur E. Eldridge, to be reimbursed for judgment issued against him.

Harold Lander, for compensation for injuries caused by an alleged defect at 111 Summer street.  
 Leo McSweeney, for compensation for damage to car caused by an alleged defect in Bailey street, Dorchester.

Mrs. Frank Mills, for compensation for injuries caused by an alleged defect at 36 Mantborne road.

Louella O'Connell, for compensation for injuries caused by an alleged defect at 119 Minot street.

William T. Quigley, for refund on special officer's license.

Royal Typewriter Company, Inc., for compensation for loss of typewriter lent to Street Laying-Out Department.

Muriel Walsh, for compensation for damage to car caused by employees of Sanitary Division.

**Jitney Licenses.**

Petition of the Plymouth & Brockton Street Railway Company for license to operate motor vehicles from the Quincy Line to Ashmont Station.

**MINORS' LICENSES.**

Applications for licenses of forty-five newsboys and six bootblacks were submitted, and licenses granted under usual conditions.

**Committee on Ordinances.**

A petition was received from the Skating Club of Boston for driveway opening at Telford street and Western avenue.

**NOTICE OF APPROVAL.**

Notice was received from the Emergency Finance Board of the approval of a \$1,500,000 loan for financing the State deficit.  
 Placed on file.

**POSTPONED ACTION ON APPOINTMENTS BY THE MAYOR.**

On motion of Coun. ROSENBERG, action on No. 1 on the calendar, under unfinished business, was indefinitely postponed, viz.:

1. Action on appointments submitted by the Mayor July 24, 1939, of Martin R. Schofield and William J. Murphy, to be Constables, without authority to serve civil process and to serve without bonds.

## CONFIRMATION OF APPOINTMENTS.

President MURRAY called up, under unfinished business, No. 2 on the calendar, viz.:

2. Action on appointments submitted by the Mayor September 11, 1939, of Kenneth C. Cole and Francis P. Soucie, to be Weighers of Goods; and Paul J. Richenburg, Jr., to be a Weigher of Coal.

The question came on confirmation. Committee, Coun. Englert and Kelly. Whole number of ballots 12, yeas 11, nays 1, and the appointments were confirmed.

## RECESS.

On motion of Coun. CAREY, the Council voted at 2.25 to take a recess subject to the call of the Chair. The members reassembled in the Council Chamber and were called to order at 3.15 p. m. by President MURRAY.

## EXECUTIVE COMMITTEE REPORTS.

Coun. SHATTUCK, for the Executive Committee, submitted the following:

1. Report on petition of Boston United Hand-in-Hand Association (referred June 26) to use certain lands for cemetery purposes—recommending passage of the accompanying order, viz.:

Ordered, That permission be granted the United Hand-in-Hand Association to use, within the limits of the City of Boston, certain lands, hereinafter described, for burial purposes; said permission to be subject, however, to such conditions, regulations, and limitations as may be lawfully and rightfully imposed by the Health Department of the City of Boston.

Said lands are described as follows:

Northerly by Crosstown avenue, thirty-four and 17-100 feet; easterly by land of Amos Barnes, four hundred seventy-two and 4-100 feet, and northeasterly by land formerly of James Burke, now of the Boston United Hand-in-Hand Association, six hundred fifty feet, containing one and 88-100 acres, more or less, and more fully described and identified as follows:

Land acquired from one James Burke, by deed dated May 2, 1917, recorded with Suffolk Deeds, Book 4037, page 244, land partly in Boston and partly in Dedham, shown on a plan by E. Worthington, Engineer, dated January 17, 1917, recorded with Norfolk Deeds, Book of Plans 95, Plan 4419. Report accepted, the order was passed.

On motion of Coun. GALVIN the roll was called with the following result: Yeas 14, nays 3.

2. Report on message of Mayor and order (referred this day) for transfers within the Fire Department, Institutions Department and Registry of Deeds—that same ought to pass.

Report accepted; said orders passed, yeas 19, nays 0.

3. Report on message of the Mayor and order (referred this day) for transfers to H. Relief Projects items in Library Department budget—that same ought to pass.

Report accepted; said order read once and passed, yeas 19, nays 0.

## REPORT OF COMMITTEE ON FINANCE.

Coun. SHATTUCK, for the Committee on Finance, submitted the following:

Report on message of the Mayor and order (referred August 7) that the sum of one million dollars be borrowed under the provisions of chapter 235 of the Acts of 1938 for the funding of overlay deficits—that order ought to pass.

Report accepted. Question came on giving the order its first reading, yeas 19, nays 0, and the order received its first reading.

## COMMUNICATION FROM FINANCE COMMISSION.

The following was received:

City of Boston,

Finance Commission, September 11, 1939.

The Honorable the City Council.

Gentlemen,—At a meeting of the Boston City Council held on Monday, August 28, 1939, an order was adopted requesting the Finance Com-

mission "to furnish the City Council with a copy of its report on the subject of the conduct of certain attorneys and doctors relating to accident cases treated at the Boston City Hospital."

The commission attaches a copy of the only formal report made on this subject.

Yours very truly,

ROBERT E. CUNNIFF,  
Secretary.

City of Boston,

Finance Commission, December 6, 1938.

Hon. Maurice J. Tobin,

Mayor of Boston.

Honorable Sir,—For the past few years the Finance Commission has made intensive study of practices and policies in vogue at the Boston City Hospital relating to its internal management. In this work the objective of the commission has been to help in placing the institution on the high plane of efficiency which its cost to the taxpayers merits and the aims of its sponsors intend.

Efficiency and economy in an institution of this size and character—where approximately 40,000 persons per year are treated—are important to successful operation. Of almost equal importance, however, is the necessity for a high moral tone to its administration. A let-down in the code of ethics of its various staffs will result in a lowering of public confidence in the service rendered by the hospital, and thereby give injury to the city.

The taxpayers have generously provided many millions within a few years for the rebuilding of the institution and for its maintenance. Therefore, they have a right to expect not only efficiency and economy, but a high moral tone as well.

At this time the commission desires to report upon a matter which relates principally to the moral tone of the institution. Primarily, it relates to a great extent to the ethics of hospital employees and staff members and to the ethics of persons in private capacity transacting business at the hospital. More specifically, this investigation relates to an abuse of the facilities provided by the hospital by a group of lawyers apparently aided and in conspiracy with hospital employees. This abuse has often been referred to as "ambulance chasing." Incidentally, it bears upon the finances of the hospital.

A misuse of the hospital facilities by employees or outsiders which those in charge of the hospital say they cannot prevent affects the moral tone of the institution. It necessarily weakens control of the institution by its appointed administrators.

The Finance Commission found that there was a general complaint among attorneys that in negotiating with patients for the opportunity to handle their legal affairs one particular group of lawyers was favored to the exclusion of all others at the City Hospital. The result was said to be that this group acquired attorney rights in an unnatural number of accident cases which had come to the hospital for treatment. In some instances it was charged that, due to unwarranted opportunities afforded and untruthful claims, the attorneys under charges attempted to take many cases away from attorneys who had already been hired by the patients, and in some instances were successful.

In the process of investigating this charge the Finance Commission found that the medical fraternity is also much perturbed by the existing conditions. Physicians complain that by the connivance of the favored group of lawyers and a particular physician on the staff of the hospital, medical cases have been taken from their custody under circumstances which suggested a breach of medical ethics. Physicians practising privately point to the circumstances as another obstacle to their profitable practice which the gradual expansion of the City Hospital from an institution, as its charter stipulated, "for the poor of Boston" has caused.

The Finance Commission has found ample evidence in the records of the hospital and in interviews with employees that there is considerable truth in these charges. The records frequently reveal that the favored group of lawyers were able to interview patients and acquire the right to handle the accident cases which brought the patients to the hospital almost simultaneously with the beginning of medical treatment of their injuries. The commission also found testimony in the records in the cases of patients who had retained these particular attorneys that very frequently application was made to transfer the

patients to the custody of a particular physician on the staff. Thereafter the patients became the clients of that particular physician to the physician's great profit. The evidence, therefore, points to "cribbing" by members of both medical and legal professions.

The hospital has set up rules and regulations intended to control the admittance of friends, relatives and others having business at the institution to the bedside of patients. It has been found by the Finance Commission that one particular group of lawyers generally ignored these rules and regulations. They customarily went about the hospital wherever their business called without impediment by any charged with the duty to enforce regulations. At times a patient lying on bed of pain, with injuries scarcely dressed, has suddenly opened his eyes to find one of these lawyers at the bedside making a proposition for the legal handling of his case.

The records and information at the hospital reveal that most attorneys handling cases of persons treated at the hospital arrive for conference or to obtain medical record of treatment usually some little time after the arrival of the patient, often a matter of weeks or months after. The favored attorneys, on the contrary, often arrive as soon as the ambulance deposits the patient in the accident ward. This gives rise to the suspicion that the ring of "tipsters" working with the "ambulance chasers" includes public employees not necessarily connected with the hospital directly.

That this situation is of no small importance to the hospital is apparent from the frequency of complaints in regard to it. It has been investigated before by other agencies, yet each time the investigation suddenly stopped without result and under circumstances which provoked suspicion of a fear to incur hostility of influential interests.

For instance: The Law Department of the City of Boston began an investigation two years ago. It had made little progress when the investigation stopped. Later a group contained within the medical staff began investigation. This aroused the ire of some medical authorities, and it was short-lived. Later members of the board of trustees indicated an interest to obtain the facts, but nothing came of it. The superintendent has stated he tried to do something, but was powerless. Insurance interests have also attempted investigation because of an apparent collateral interest of attorneys and physicians in the prosecution of claims against insurance companies.

The Finance Commission, therefore, deems it important to have the question settled now finally whether the hospital is to be run for private gain, with any and all permitted to organize and operate "a racket," or whether it is to be operated solely for the public good of the people of Boston as it was authorized by the Legislature.

As one illustration of the result of the foregoing conditions, the record of one firm of lawyers speaks volumes.

This firm has been retained to represent in settlement proceedings 117 persons brought to the hospital in the past twenty-two months. Members of the firm obtaining the 117 cases are principally those mentioned above as having the freedom of the institution. Employees gossip that any time one can steer a case to this firm there is a fee obtainable for it.

It is customary at the hospital to allow a patient who is paying his way to request treatment by a particular physician. By request of the firm of lawyers above mentioned, approved by the firm, medical care of the patient has been transferred to one particular member of the staff in twenty-eight cases. This frequent combination of lawyer and doctor has caused insurance companies to become suspicious of medical reports.

Private treatment of a patient at the hospital for private fee is a plum that often goes with membership on the staff of the hospital. In many instances it is legitimate and ethical. It becomes distinctly unethical when by connivance, by false claims, by innuendoes that a patient can obtain a more favorable medical report from one physician than from another, a case is taken out of the custody of the physician to whom it was orderly committed and transferred to another.

It is equally unethical when a lawyer through a show of some special favor at the hospital misleads patients into the belief that he alone can obtain favorable treatment or favorable report of treatment. Lawyers have informed the Finance Commission that the offending group have misrepresented themselves to prospective clients by

claiming to be official attorneys for the hospital or the district in which the solicited client lived.

There has not been substantial loss financially to the city in these cases. However, in the settlement for hospital services, the offending lawyer group has again shown its imperviousness to rules and regulations at the hospital. The hospital charges a rate of \$16 per week for ward patients who are residents of Boston. The rate for persons who reside outside of Boston is \$27.45, and nonresidents of Boston are so billed.

When the offending group of attorneys come to settle the hospital bill they pay only the City of Boston rate regardless of where the patient resides. The amount of money lost by this, as above stated, is not large; but the fact that this practice has been allowed to become a custom indicates a lack of control of its own affairs by the hospital management.

The Finance Commission believes that the rules and regulations of the hospital are sufficient to cover such breaches of official conduct as are involved in the above mentioned proceedings. It is evident, however, that the rules are not enforced. Control of and needed correction of conditions in the hospital are well within the authority of the trustees and the superintendent.

The Finance Commission is cognizant that the complaints made by lawyers to the Finance Commission are properly also subject to inquiry of the bar associations. Complaints by physicians are properly subject to inquiry of the medical associations. The commission has no authority, under its authorizing statute, to make recommendations to those associations.

The commission has purposely pictured conditions existing at the hospital without giving the names of parties involved. The conditions can easily be remedied within the hospital administration.

Respectfully submitted,

DAVIS LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCOLPONETTI,  
JAMES H. FLANAGAN,  
THE FINANCE COMMISSION.

REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted a report on petition of Z. D'Aloia (referred July 10) for driveway opening on Eastern avenue—recommending that the permit be granted.

Report accepted; permit granted.

MR. AND MRS. JOHN F. FITZGERALD.

Coun. NORTON offered the following:

Resolved, That the Boston City Council, at a duly authorized meeting of the body, expresses its congratulations to ex-Mayor and Mrs. John F. Fitzgerald, on the occasion of their 50th, golden wedding, anniversary.

Coun. NORTON—The Paul Revere of the Port of Boston, ex-Mayor John F. Fitzgerald, is celebrating his 50th wedding anniversary today. The Boston City Council, of which he is a former member, should unanimously congratulate him and Mrs. Fitzgerald. He is an outstanding civic leader who has given unselfishly of his time to his native city since he was a young man. When but a boy, he was left fatherless and motherless, in Boston's North End, where he lived. Instead of allowing his younger brothers and sisters to be separated, he fathered the flock and kept them together and has been their guide and protector ever since. His illustrious daughter, Mrs. Rose Fitzgerald Kennedy, wife of the American Ambassador to London, the mother of nine beautiful children, was born at No. 2 Garden Court street in the North End, and is one child of Boston that we should be proud of. Few women of the world have received the world-wide publicity that she has in the past few years and fewer still have measured up as has she to the highest of traditions. Boston is proud today of John F. and Mrs. Fitzgerald and proud of their illustrious daughter, Mrs. Joseph Patrick Kennedy, who has journeyed from Europe to be with her parents on this glorious occasion.

Adopted under suspension of the rule.

COMMENDATION TO THE DIES  
COMMITTEE.

Coun. CHASE and WILSON offered the following:

Ordered, That the Boston City Council extend its warm commendation to the Dies Committee for its excellent work in exposing subversive un-American activities in this country which would tend to undermine the very foundation of our democratic form of government.

Passed under suspension of the rule.

REPORTING SALES OF TAX TITLE  
PROPERTY IN CITY RECORD.

Coun. SHATTUCK offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of reporting in the *City Record* all sales of tax title property made since such sales were referred to the Council for approval, and thereafter the reporting of sales of tax title property monthly in the *City Record*, giving in each case the date of sale, the location of the property, the amount owed to the city, including interest and costs, and the sale price.

Coun. SHATTUCK—I think it is about a year ago the orders for the sale of tax title property were referred to the City Council. Since that time the matter has been handled by a city tax title real estate man. We have had no knowledge as to what he has accomplished, how many parcels have been sold and what prices the city has been getting. The *City Record* is the customary method for giving notice of what is being done in the city. Whenever any purchase is made it is recorded in the *City Record*. The transactions in the city in general are recorded there. I think there should be included in the *Record* the sales of these city properties, particularly now, since there is no record anywhere of the sale except in the office of the city tax real estate representative.

Passed under suspension of the rule.

MEMORIAL TO CONGRESS.

Coun. CAREY offered the following:

Resolved, That it is the sense of the members of the Boston City Council that the members of Congress, at its coming special session, be requested to vigorously oppose any entrance by this country into any foreign entanglements or in any other controversies that might lead us into the present European war.

Coun. CAREY—Mr. President, practically every member of this body can well remember the anguish and heartaches suffered between the years 1914 and 1918, during which time this country was on the verge of being or actually was a participant in the World War. We all know nothing was gained in this country through its participation in that conflict. As was well said yesterday by a member of the United States Senate, it would be a fine time to have this country get into the present European strife because of the great unemployment. However, let us be all the more on our guard at this time. We all remember only too well what went on between 1914 and 1918 and what has been going on since that time, with hospitals filled with maimed men and women who, through courage and patriotism, felt it was their duty to shoulder a gun and go to the field of battle. It has been my observation to note they are constantly at strife in Europe. Let them have their troubles and take care of themselves. We are in a peace-loving country, thank God, and let us stay here and mind our own business.

Referred to Committee on Rules.

IMPROVEMENT TO STREETS IN WARD 13.

Coun. HUTCHINSON offered the following:

Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to include the wires on Jerome street, Ward 13, in his underground program for 1940.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install sidewalks, under the W. P. A. plan of construction, in front of numbers 10 and 12 Jerome street, and at 35 Cushing avenue, Ward 13.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Cushing avenue, Ward 13, under the W. P. A. plan of construction.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Upham avenue, from Cushing avenue to Hancock street, Ward 13, under the W. P. A. plan of construction.

The several orders were passed under suspension of the rule.

COMPLYING WITH SANITARY REGULATIONS BY COLEMAN DISPOSAL COMPANY.

Coun. ROSENBERG offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to immediately contact the Coleman Disposal Company, which has the contract for collecting garbage in the Dorchester district, to see that they comply with the sanitary regulations with reference to having their trucks covered, as, under the present method of collection, these trucks are a menace to the health of residents in the communities through which they travel.

Coun. ROSENBERG.—Mr. President, I just want to say a word with reference to that order. Undoubtedly, contractors who are receiving awards for the collection of garbage, ashes and other contracts that are awarded were the lowest bidder in connection with the work to be done; but in performing their work they are supposed to carry out the terms of the contract, and I believe in the City of Boston we are particularly zealous in protecting the health of the people of our community. I believe the Board of Health is doing everything possible to preserve the healthful conditions. But it seems as though the Coleman Disposal Company is unable to afford to cover their trucks with canvas covers in order that the debris and the stench from the collection of the garbage is kept from the citizens and the pieces flying all over the communities through which these trucks are traveling; and I trust the Coleman Disposal Company may be brought to the task of seeing they keep their trucks covered in order that the health of the citizens of Boston might be protected.

Passed under suspension of the rule.

INSTALLATION OF TRAFFIC LIGHTS AT  
BLUE HILL AVENUE INTERSECTIONS.

Coun. ROSENBERG offered the following:

Ordered, That the Traffic Commissioner be requested to confer with his Honor the Mayor for the purpose of devising ways and means for the installation of traffic lights, particularly at the intersection of Blue Hill avenue and Glenway street, Blue Hill avenue and Woodrow avenue, and Harvard and Morton streets, Ward 14, in order that automobile accidents to pedestrians may be alleviated at these locations.

Passed under suspension of the rule.

ACCEPT AND LAY OUT ASHMONT PARK,  
WARD 16.

Coun. FISH offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out as a public highway, Ashmont park, Ward 16, under the W. P. A. type of construction.

Passed under suspension of the rule.

SIDEWALK ON VAN WINKLE STREET.

Coun. FISH offered the following:  
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make a sidewalk along both sides of Van Winkle street, between Carruth and Bushnell streets, under the W. P. A. type of construction. Passed under suspension of the rule.

USE OF SOCIAL LAW LIBRARY WITHOUT ANNUAL FEE BY MEMBERS OF BAR.

Coun. WILSON offered the following:  
 Ordered, That his Honor the Mayor be requested to confer with appropriate courthouse officials and take such steps as will provide that the facilities of the Social Law Library, housed in the Suffolk County Court House, be available to members of the Bar without the payment of an annual charge of twenty dollars.

Coun. WILSON—Mr. President, in the several counties of Massachusetts where the Superior Court holds its sessions, there is available a law library. This morning I was in Lawrence and there is a law library there available for attorneys who practise in Lawrence or who come many miles to try cases in Lawrence, and there is a similar library so far as I know in every Superior Courthouse in the state. With one exception, those law libraries in common with the Boston Public Library, the law library in the Federal Building in Post Office square, the law library in the State House, are available for the public or lawyers at any time. With one exception, they are all as any public library should be, whether technical books or fiction are desired and are open to the public without charge. Of course, the one exception is the Social Law Library in the Suffolk County Court House, which is housed rent free in the Suffolk County Court House,—heat free, light free and everything free with reference to its operation. A charge, however, is made, I understand,—I have never made use of it myself—of \$20 a year to such members of the Bar as might care to use it. That is not only unfair to the less prosperous members of the Bar in Suffolk County, but unfair to lawyers from outside of Suffolk County who, incident to the trial of cases in the courthouse in Pemberton square, may need a quick access to law books. There is no rhyme nor reason in the present set-up, or the set-up of past years, why the Social Law Library in the Suffolk County Court House should have a twenty-dollar membership fee for those lawyers who may desire to hurriedly go to this library on a question of law, and I think it is high time that that library be placed in line with the law libraries in other county courthouses in Massachusetts and this twenty-dollar charge be wiped out.

Coun. SHATTUCK—I think there is some rhyme or reason for the charge. My recollection from the budget is that the city appropriates one thousand dollars a year for the operation of the Social Law Library. Now, obviously it cost a lot more than that for the present service in the library and also for the purchase of the periodicals and law books as they come out, the decisions of the courts as they come out, and the fees that lawyers pay for the use of the library are the moneys used to pay for those books and if they didn't get it that way, they would have to get it out of the City of Boston by a larger appropriation.

Coun. WILSON—I, of course, cannot deny the statement that it costs money to run the Suffolk County law library as it does to run the Boston Public Library, and a great deal more money than the libraries in the various courthouses throughout the Commonwealth, but I still believe there are certain things which the public should have reason to expect they should have the use of without any annual charge, and I think one of those things is the use of public libraries, whether the Boston Public Library in Copley square, or this business library down in the alley next to City Hall, or the law library up in Pemberton square. I don't know any reason why that library, just because there has a custom grown up, should be on any different basis than the law library on the fourth floor of the State House on Beacon Hill. I think that is one of the things that the public should expect to get even if it does cost the taxpayers a little more money.

Coun. SHATTUCK—I think this question is rather interesting and I would like to have the representative of the Social Law Library and also the Budget Department come here and say how much it would cost the City of Boston to operate that library and thus relieve the library of the necessity of charging a fee.

President MURRAY—If no objection, the matter will be referred to the Executive Committee and the clerk will notify the representative of the Social Law Library and the Budget Commissioner to come here at our next meeting.

INFORMATION REQUESTED FROM HOUSING AUTHORITY.

Coun. WILSON offered the following:

Ordered, That the Board of Assessors be requested, through his Honor the Mayor, to advise the City Council with reference to parcels of real estate located in the four sites to be occupied by government housing projects at Charlestown, South Boston, Mission Hill and Lenox street, Roxbury, giving in the case of each parcel:

1. The name of the owner assessed as of January 1, 1938.
2. The name of the owner assessed as of January 1, 1939.
3. The address of the parcel.
4. The assessed value January 1, 1938.
5. The assessed value January 1, 1939.

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to advise the City Council with reference to prices paid or agreed to be paid for parcels of real estate in the four sites to be occupied by government housing projects at Charlestown, South Boston, Mission Hill, and Lenox street, Roxbury, reported to total two million dollars, giving in the case of each parcel:

1. The name of the seller.
2. The address of the parcel.
3. The price paid or agreed to be paid.

Coun. WILSON—Mr. President, perhaps with a narrow view point I have never yet seen quite sold the idea there is anything sacred about the proceedings or the records of the Boston Housing Authority, although apparently down through the past couple of years their proceedings and their records for some reason are as mysterious and secret as the records of the Welfare Department which have always been secret down through the years for a much more obvious reason. There have been disagreeable stories concerning the takings of property in the four housing projects now about to be constructed and there have been disagreeable stories with reference to alleged favoritism shown in the purchase prices paid for parcels of real estate having the same assessed value down through the years. I realize the preparation of this particular material may take somebody a reasonably short time, or a long time to take out, but it should not take a very long while. The purpose of the two orders is, of course, quite obvious. I desire to urge that we have a right to find out, not for our own information, but for the information of the property owners in all the districts affected and for the information of the people of Boston. We have a right to ascertain from the Assessing Department first of all the address of these various locations, who was the owner on the first of January this year and what is the assessed value each year, because there have been stories there have been changes in ownership, either above hoard or under cover, because there have been stories there have been changes in assessed valuations which may or may not be true. The second order is directed to the Boston Housing Authority to obtain figures for purpose of comparison and that endeavors to ascertain information which I feel the Boston taxpayers are entitled to, namely, the location of the various parcels, and there are not so very many years of them, the name of the person from whom the purchase was made, and the price paid. I quite agree with the Boston Housing Authority in its statement that as a matter of policy they of course should give no information out prior to the actual taking by eminent domain. I can appreciate the reason for that, but I fail to appreciate why the Boston Housing Authority now that the takings have been made in four great sections of the city and with all the undercurrent talk there is, should not for its own sake desire to lay the cards on the table and everything being

above board, to convince the public of the City of Boston that the takings in these various sections were wholly on the level and the prices paid did not mean 90 cents to Paul and 110 cents to Joseph. I think the taxpayers of Boston are entitled to the information and I for one, believe the non-disclosure of facts and figures by the Boston Housing Authority has reached the stage where it becomes a matter of public suspicion. I don't know why the Housing Authority should feel that it stands in a space removed and on a higher plane than anybody else—as though it was sacrilegious for them to disclose to us what is paid for a location, the money that was paid, what the rental was going to be, and I urge that the Mayor—and he has the authority with the Housing Authority—that he support the passage of this order and that he tell the Housing Authority, everything being as it should be, that the figures in this case be disclosed in detail.

Both orders passed under suspension of the rule.

#### PLEBISCITE ON EXTENSION OF FEDERAL HOUSING PROJECTS IN BOSTON.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to advise the City Council of an intention to comply with request of the Boston City Council contained in order passed on June 5, 1939, for a plebiscite for a referendum which will permit the voters of Boston at this year's city election to express approval or disapproval of further extension of Federal low-rent housing in Boston.

Coun. WILSON—Mr. President, as of course you are aware, I most frequently have gotten along very nicely with the present Chief Executive of Boston and I have no reason to assume I would do otherwise, because I believe he is endeavoring to do a good job. On the other hand, I do again press this order which was passed by a vote of 15 to 3 as long ago as last spring on this highly controversial subject as to whether or not there should be an extension of Federal housing, low-rent housing, tax-free housing in the great City of Boston and I may be one of those who believes that the citizens of Boston are not only of average intelligence, but undoubtedly of a little over average intelligence, and after all they are the ones most interested. They are the ones to decide so long as a city election is imminent, whether or not they are in favor or against an extension of this Federal housing in the City of Boston supplementing the five projects already authorized without any vote or approval directly on the part of the people. I understand there is to be at least one referendum on the ballot and possible more and I think, in fairness to the taxpayers of Boston, in fairness to the residents in these various sections that have been taken, in fairness to the American citizenry of Boston, we should rely on them sufficiently to permit them to speak out for themselves this coming November as to whether or not they favored an extension of public housing in Boston. I think that they are entitled to be given that opportunity especially because the opportunity to be afforded them won't cost \$100 more to obtain to the taxpayers of Boston. We are having ballots printed. They are very short ballots—for School Committee and Council,—no mayoralty fight and it would not cost \$100 more for the present Chief Executive of Boston and those members of the Board of Directors of Boston who will be back next year to find out from these six or seven hundred thousand people of Boston, the 340,000-odd voters, just how they feel on a subject which some of us feel will eventually mean the financial bankruptcy of the city.

Passed under suspension of the rule.

#### USE OF INDOOR FACILITIES IN BUILDINGS WHERE FEDERAL COMMODITIES ARE DISTRIBUTED.

Coun. LANGAN offered the following:

Ordered, That his Honor the Mayor be requested to contact the W. P. A. authorities and arrange for the use of the indoor facilities of all buildings where Federal commodities are distributed so that recipients may be permitted to remain indoors during inclement weather while waiting for the issue of their commodities.

Coun. LANGAN—While that order is directed generally to all commodity stations throughout the city that have facilities to house individuals who seek surplus commodities during the inclement weather, it is directed with particularity to the commodity station located in the Jamaica Plain section of Boston at Elm street where the City of Boston owns a building, a three-story building, and commodities are distributed on the first floor and there are on the second and third floor sufficient accommodations to place the people, when raining and snowing outside, while waiting to receive the commodities from the station.

Passed under suspension of the rule.

#### PROPOSED LEGISLATION TO REDUCE OR ELIMINATE DEMAND CHARGE ON WATER BILLS.

Coun. LYONS offered the following:

Ordered, That the Corporation Counsel be directed, through his Honor the Mayor, to prepare and submit to the next session of the Legislature appropriate legislation to reduce or entirely eliminate the 35-cent demand charge on water bills.

Coun. LYONS—Mr. President, in the last year or so I have received so many complaints from certain people and different people of my ward where they would receive their bills during the summer months and would be down to the beach and wouldn't be back for two or three months afterwards and would go back and have their water bill with 35 cents demand imposed upon them. Their bills may run from \$10 or \$15. They are not kicking about their bills, but they are kicking about the technique, the 35 cents the City of Boston Water Department imposes upon them. It is an act of the Legislature, as I understand it, to have this imposed upon them, so I have instructed Corporation Counsel to draft the necessary legislation to repeal this bill and have the 35 cents wiped out, and I hope the Council will pass this order.

Passed under suspension of the rule.

#### ACCEPT AND LAY OUT CUSHING STREET.

Coun. LYONS offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Cushing street, Ward 20, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### TRAFFIC LIGHTS AT EAST NEWTON STREET AND HARRISON AVENUE.

Coun. McMAHON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install traffic signal lights at East Newton street and Harrison avenue.

Passed under suspension of the rule.

#### TRAFFIC LIGHTS AT HARRISON AVENUE AND DUDLEY STREET.

Coun. McMAHON and TAYLOR offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install traffic signal lights at Harrison avenue and Dudley street.

Passed under suspension of the rule.

#### RESURFACE GILBERT STREET.

Coun. NORTON offered the following:

Ordered, That the Commissioner of Public Works, through his Honor the Mayor, be requested to resurface Gilbert street, Ward 18, with smooth pavement as a W. P. A. project.

Passed under suspension of the rule.

INFORMATION REQUESTED FROM  
BOSTON HOUSING AUTHORITY.

Coun. WILSON offered the following:  
Ordered. That the Boston Housing Authority, through his Honor the Mayor, be requested to promptly advise the City Council, in accordance with order passed May 1, 1939, whether a 2 per cent commission has been paid to persons obtaining signed options on parcels of real estate incident to plans for new housing projects.  
Passed under suspension of the rule.

STATEMENT BY COUN. CAREY.

Coun. CAREY—Mr. President, I ask unanimous consent to make a statement.  
There being no objection Coun. CAREY made the following statement:  
Mr. President, earlier in the session today I introduced a resolution putting this Body on record as opposed to the entrance by this country into any foreign entanglement. In your fair judgment the resolution was referred to the Committee on

Rules. I therefore would like to request that it meet and report back on that resolution on Monday next, or at our next meeting, because I know of no more important matter facing the people of the United States today than the question, whether or not we should go to war. From my personal observation we do not want to go to war. I think it might be most opportune for the committee to report back at the next meeting of this Body.

FURTHER REPORT OF COMMITTEE ON  
ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:  
1. Report on petition of the Skating Club of Boston (referred today) for driveway opening on Telford street and Western avenue—that leave be granted.  
Report accepted; permit granted under usual conditions.  
Adjourned at 4 p. m., to meet on Monday, September 25, 1939, at 2 p. m.





## CITY OF BOSTON.

## Proceedings of City Council.

Monday, September 25, 1939.

Regular meeting of the City Council in Council Chamber, City Hall, at 2 p. m., President MURRAY in the chair. Absent, Coun. Wilson, Norton, Shattuck, Harris.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

City of Boston,  
Office of the Mayor, September 22, 1939.  
To the City Council.

Gentlemen,—Subject to confirmation by your Honorable Body I hereby appoint the following-named person to be a constable of the City of Boston for the term of one year, beginning with the first day of May, 1939, with authority to serve civil process upon the filing of the necessary bond: Salvatore Maffei, 125 Faywood avenue, Ward 1.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Laid over for one week under the law.

City of Boston,  
Office of the Mayor, September 22, 1939.  
To the City Council.

Gentlemen,—Subject to confirmation by your Honorable Body I hereby appoint the following-named persons as weighers:

Weighers of Coal: Charles V. Hurley, 1550 Columbia road, South Boston; John Cassidy, 106 Norwell street, Dorchester; Edward Miller, 46 Sargent street, Cambridge.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Laid over for one week under the law.

## CONTRIBUTION BY CITY FOR INVESTIGATION OF MOSQUITO NUISANCE.

The following was received:

City of Boston,  
Office of the Mayor, September 25, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the attached communication from the State Commissioner of Public Health in which he requests that an appropriation of seven hundred dollars be made available to meet the contribution required of the city under the provisions of chapter 54 of the Resolves of nineteen hundred and thirty-nine in connection with an investigation of the mosquito nuisance in the Charles River Valley. Since the abatement of this nuisance is of vital importance to residents in the West Roxbury section of the city, I feel that the appropriation requested should be made available. I submit herewith an order for this purpose and respectfully recommend its adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of seven hundred dollars be, and hereby is, appropriated to meet the contribution of the city required under the provisions of chapter 54 of the Resolves of nineteen hundred and thirty-nine in connection with an investigation of the mosquito nuisance in the Charles River Valley, said sum to be charged to the Contingent Fund.

Referred to Executive Committee.

## PRIORITY OF TAX PAYMENTS.

The following was received:

City of Boston,  
Office of the Mayor, September 22, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the City Collector relative to your order of July 31, 1939, concerning the allowance of the persons owning property upon which the city holds a lien for taxes, to make payments to clear up the tax lien rather than to compel them to pay first all taxes assessed subsequent to the lien.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Collecting Department, September 16, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mayor Tobin,—Referring to memorandum from your office dated July 31 regarding an order from the City Council as follows:

"Ordered, That his Honor the Mayor request the City Collector to allow persons owning property upon which the city holds a lien for taxes, to make payments to clear up the tax lien rather than to compel them to pay first all taxes assessed subsequent to the lien."

Because of the legal questions involved, this matter was referred to the Law Department for an opinion, and I quote in part from their reply of September 9:

"The manner in which the statutes provide for the set-up of tax title accounts and the certification of subsequent taxes to them, and the method provided in section 62 for redemption indicate a legislative intent, that for the purposes of redemption, the tax title account, *in toto*, is to be considered as a unit.

"If the taxes for the year for which the property was sold, with interest, charges, etc., were paid first, the lien for that year would be at an end, and the taxpayer could insist on a release, which, when put on record, would extinguish the rights of the city under the tax deed.

"If subsequent payments were not made and it became necessary to foreclose there would be no tax deed outstanding to form the basis of a foreclosure proceeding under chapter 60. Even if no release were actually given and a foreclosure proceeding was based on a tax deed of a year for which the tax had been paid, a taxpayer might argue that this deed, representing no outstanding lien, was a nullity, and, therefore, could not form the basis of a foreclosure under chapter 60.

"It is proper for the treasurer to apply installments, if he wishes, to the tax of the year for which the property was sold, providing that some small balance is left so that the lien for the year for which the property was sold is not extinguished. This would still leave a valid tax deed upon which foreclosure proceedings could be based, if that became necessary.

"As shown by the statutes quoted above, the Legislature has undertaken to deal with this whole subject, and the practice of the treasurer in the past seems to have been in accordance with the legislative intent.

"Consequently, it is my opinion that neither you nor the treasurer are required to follow the procedure suggested in the order of the City Council, and that it would be unwise for you to do so."

Respectfully yours,  
MERRITT THOMPSON,  
City Collector.

Placed on file.

RESURFACING BREWER STREET,  
WARD 19.

The following was received:

City of Boston,  
Office of the Mayor, September 22, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of September 11, 1939, concerning the resurfacing with smooth paving Brewer street, Ward 19.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
September 20, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Brewer street, Ward 19.

Please he advised that this street has been submitted on a W. P. A. project for approval.

Respectfully,

GEORGE G. HYLAND,  
Commissioner of Public Works.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

##### Claims.

Beverley Ahramson, for compensation for injuries caused by city car.

Harold F. Barnard, for compensation for damage to car by city truck.

Florence E. Brooks, for compensation for injuries caused by an alleged defect in Ash street.

Cataldo Ciocco, to be reimbursed for judgment issued against him on account of his acts as employee of Public Works Department.

Ada Cogan, for compensation for injuries caused by an alleged defect in Cornwall street.

Emile C. Franzmann, for compensation for damage to car by city employee.

Frank E. Gardes, for compensation for damage to car by city truck.

Stephen Gutowski, for compensation for damage to property at 79-85 Mt. Hope street, caused by W. P. A. project.

Thomas Horrigan, for compensation for damage to property at 25 Lareul street, Roxbury, caused by collapse of water hoiler.

Bessie Nickerson, for compensation for injuries caused by an alleged defect at Cornell and Kittredge streets.

Catherine Salina, for compensation for injuries caused by an alleged defect at Winter and Washington streets.

Waverly Pharmacy, Inc., for compensation for damage to property at 264 Warren street, during cleaning of sewer.

##### Committee on Ordinances.

Petitions for driveway opening were received from John J. Reardon, 50 Howard street, and Fifty Associates, Friend and Elm streets.

##### Jitney Licenses.

Petition of Modern Bus Lines, for license to operate motor vehicles from the Boston-Dedham line to Forest Hills.

#### COMMUNICATIONS FROM FINANCE COMMISSION.

The following was received:

City of Boston,

Finance Commission, September 20, 1939.

The Honorable the City Council.

Gentlemen,—I am inclosing herewith copy of report which the Finance Commission addressed to the local engineering representative of the War Department with respect to Meridian Street Bridge, East Boston.

Yours very truly,

ROBERT E. CUNIFF, Secretary.

City of Boston,

Finance Commission, September 20, 1939.

Col. A. K. B. Lyman, United States Engineer,  
Office, 31 St. James Avenue, Boston.

Dear Sir,—The Finance Commission has been requested by Mayor Tohin to express directly to you as the local engineering representative of the War Department the views of the commission with respect to the question of requiring the City of Boston to alter Meridian Street Bridge, East Boston.

The Finance Commission is a part of the government of Boston and is authorized by statute to investigate and report upon matters of expenditure, etc., such as this.

At the outset the commission desires to take issue with the statement made repeatedly at

your recent hearing on this Meridian Street Bridge proposal, principally by the manager of the Maritime Association of the Chamber of Commerce, and by speakers introduced by him, that the only considerations in the situation are the convenience and safety of the watercraft which make use of Chelsea Creek.

There are other considerations which are paramount to each of these. One is the ability of the people to pay for such a change as has been recommended to you. The second is the desirability of the specific proposal that has been made.

The Finance Commission is aware that the War Department has jurisdiction over navigable waters and can order such changes in the waterway as, in the opinion of the War Department, are necessary. Even the War Department, however, is an agent of the people and should, except in cases of emergency, have consideration for the interest of the people as a whole.

It has not appeared that there is any national emergency in this situation. It is wholly a matter of private interest. Therefore, before the War Department exercises a power that is intended primarily for use in national emergencies, and orders clearance of such magnitude that, in order to comply, it is necessary to eliminate entirely a bridge crossing that has been in existence for almost 100 years, or to spend upwards of \$3,000,000 to provide another type of bridge, the effect of its order upon those who will have to pay for it should be very carefully inquired into.

In this particular case the Finance Commission seriously questions whether public convenience or public safety requires elimination of the bridge, or construction of a new one with 175 feet horizontal clearance.

Along the banks of the Chelsea Creek, the large oil companies have established oil farms. There are more on the Chelsea side than on the Boston side. There is no prospect of any other industries on either shore. Presumably the owners of these oil farms acquainted themselves with the difficulties of making approach to their properties by water before they established the oil farms. Though it is admitted that approach through the present draw and channel has been difficult, it is apparent from the records of the history of the creek that shipping craft conducting business in the creek has been able to navigate the passage.

The principal excuse now offered for the change is that some of the oil companies are building larger tankers and it is doubtful that these larger tankers can pass safely through the draw of the Meridian Street Bridge. It should not be expected of the City of Boston that every time an abutter on the creek wants to increase the size of his vessels, the City of Boston should build a new bridge or provide a larger clearance; or that on this limited waterway the city should build a bridge capable of passing the largest ships afloat.

In this particular situation the City of Boston has not so much at stake as has the City of Chelsea. Yet, apparently, your proposed order to provide a horizontal clearance of 175 feet is directed against the City of Boston which owns and maintains the present draw and the major portion of the remainder of the bridge. The Mayor of Chelsea has stated that his city cannot contribute to the expense and there is no way by which Chelsea can be compelled to pay until the period of grace named by you is two thirds over.

The statement was made at your recent hearing by the Secretary of the Chelsea Chamber of Commerce that a particular group of land speculators are responsible for the recent agitation for a new bridge and that these speculators have an ulterior motive. The speculators named by him own a considerable amount of land in East Boston. They owe the City of Boston hundreds of thousands of dollars in taxes, some of it running back for ten years or more. They have often been charged in East Boston with having throttled natural development in that section.

The Finance Commission is cognizant that the present low level bridge and draw at Meridian street needs attention. The draw foundations are not secure and, as was stated at your hearing, in the event that a passing vessel struck the draw a substantial blow, the draw might be put out of commission. This is something that might have happened any day since the present draw was built in 1912. The Public Works Department is responsible for the statement that there has been only one major accident in the draw

between 1912 and 1939, during which time there has been passage of approximately 413,000 vessels and many of these ships were well over 300 feet long.

Obviously, the present draw must be put in safe condition. It does not appear to the Finance Commission that the danger of a major accident is so great that the bridge should be eliminated. Nor does it seem justifiable to compel the city to expend the large sum of money which would be necessary to erect a high level bridge with 175-foot clearance.

The chivalrous offer of the Chamber of Commerce of Chelsea and the Maritime Association of the Boston Chamber of Commerce to do without the bridge should not be taken too seriously. Rather, should your board give heed to the opinion of the City of Boston officials that a bridge at this point is necessary. It is significant that the parent organization of the Boston Chamber of Commerce, the Board of Directors, authorized a representative to place the Boston Chamber of Commerce on record against your proposed order; and that the Bureau of Municipal Research also send a representative to oppose it. The city authorities and the civic organizations which keep continually informed of municipal needs are united in this matter.

To substitute any other means of crossing for the trolley cars of the Boston Elevated Railway Company from Chelsea to East Boston would mean substantial expense and might not be agreeable to the elected officials of the City of Chelsea.

A recent traffic count was made under the auspices of the City of Boston and it was found that over 30,000 persons crossed the creek on the Meridian Street Bridge in one day. The actual count of vehicles, passengers, and pedestrians in one day on the Meridian Street Bridge and on the Chelsea Street Bridge which the Maritime Association and the Chelsea Chamber of Commerce claim can handle efficiently the whole traffic is as follows:

MERIDIAN STREET BRIDGE.

	Units.	Persons.
Passenger cars.....	5,311	10,091
Trucks.....	1,613	2,581
Buses.....	4	80
Horse-drawn vehicles.....	36	43
Street cars.....	450	16,270
Pedestrians.....		1,299
Total.....	7,414	30,364

CHELSEA STREET BRIDGE.

	Units.	Persons.
Passenger cars.....	5,113	9,715
Trucks.....	1,917	3,067
Buses.....	1	20
Horse-drawn vehicles.....	12	14
Street cars.....	72	1,250
Pedestrians.....		390
Total.....	7,115	14,456

The Chelsea Street Bridge cannot possibly absorb safely and efficiently all this traffic. Such a plan would require almost the entire re-lay-out of the Chelsea section bordering the creek, including provisions for elevated car lines, etc.

The improvement proposed is only one of many urgent projects before Boston for consideration. To order this particular one now arbitrarily will work a hardship to Boston and to Chelsea.

The city authorities have shown evidence of full knowledge of the condition and a realization that the draw when used must be in safe condition. They should be allowed to make permanent improvement when it can be done conveniently to the finances of the city.

Respectfully submitted,  
 DAVID LASKER, Chairman,  
 ROBERT ROBINSON,  
 JAMES E. MAGUIRE,  
 JOSEPH A. SCOLPONETTI,  
 JAMES H. FLANAGAN,  
 THE FINANCE COMMISSION.

City of Boston,  
 Finance Commission, September 21, 1939.  
 To the Honorable the Mayor and City Council.

Gentlemen,—A short time ago the City Council adopted an order requesting the Finance Commission to report to the Council what, if anything, had been accomplished by the trustees of the Boston City Hospital in regard to the recommendations made by the Finance Commission in December, 1938, pertaining to the abuse of city hospital facilities commonly described as ambulance chasing.

In reply the Finance Commission desires to submit to you the following copy of a statement presented to the Commission by the trustees of the City Hospital.

It may be stated further that the commission discussed this situation at great length with the trustees in conference and that the commission is satisfied that an endeavor is being made to put an end to the abuse complained of.

Respectfully submitted,  
 DAVID LASKER, Chairman,  
 ROBERT ROBINSON,  
 JAMES E. MAGUIRE,  
 JOSEPH A. SCOLPONETTI,  
 JAMES H. FLANAGAN,  
 THE FINANCE COMMISSION.

Statement of the Trustees of the Boston City Hospital.

On November 28, 1938, the senior staff of the Boston City Hospital recommended that no patient be transferred from one service to another until seen in consultation by the chief of both the service transferred from and the service transferred to. This was recommended by the staff in order to make it impossible for lawyers to select doctors to care for their accident cases. This regulation has been put into effect.

On December 1, 1938, the Boston Finance Commission called attention to the activities of certain doctors and lawyers engaged in actual solicitation of legal work at the Boston City Hospital.

On December 12, 1938, the trustees of the Boston City Hospital reported the matter to Mr. Willard B. Luther, chairman of the Grievance Committee of the Boston Bar Association and requested in this communication that the Bar Association take such action as it deemed proper. Mr. Luther was supplied with a copy of the original report submitted as the result of investigation by the Finance Commission and also memoranda on certain other cases.

On December 12, 1938, the trustees voted that no attorney or claim adjuster shall be permitted to interview any patient without written request of said patient or in case the said patient is unable to make this request, his or her nearest relative shall write the same. In visiting the patient, an executive of this hospital must accompany the claim agent or attorney.

On December 15, 1938, Mr. Willard B. Luther, chairman of the Grievance Committee, in a communication addressed to the President of the Board of Trustees of the Boston City Hospital acknowledged receipt of the letter of December 12, 1938, with its inclosures. Mr. Luther informed the trustees that the lawyers mentioned in the report concerning the Boston City Hospital were already under investigation.

During the same interval the trustees conferred with the Corporation Counsel of the City of Boston, and the latter office made exhaustive investigation involving a large number of cases. The trustees have advised Mr. Parkman that he

may make the results of his investigation available to the Grievance Committee if he deems it advisable to do so.

On May 12, 1939, there was enacted by the Legislature an act prohibiting employees and other persons connected with hospitals from furnishing certain information about personal injury cases to attorneys at law or their representatives and making changes in the law relative to runners, etc. Copies of this new law have been forwarded to all executive assistants, instructors in the School of Nursing; posted in conspicuous places in the hospital; visiting men and all others have been made familiar with this new law. The Department of Public Health has already furnished us with printed copies, which are being placed framed, in prominent places throughout the hospital.

Staff doctors, resident doctors and nurses have all been instructed to report at once to the administration any irregularities which were noticed. No lawyer has permission to interview any patient except upon the written permission of the patient himself. No patient is allowed to be transferred from one service to another without official consultation between the doctors in charge of the services involved. Every safeguard has been thrown around the patients. It will of course be appreciated that where patients are allowed two visitors between 2 p. m. and 3 p. m., and one visitor between 6 p. m. and 6.30 p. m., this meaning some 3,000 visitors daily, it is impossible for the hospital to identify conclusively every visitor.

It will also be realized that information concerning injured individuals who are brought to the hospital must be made available immediately to many departments. Reports of these accident cases are also telephoned at once to Police Headquarters by the police officer who is assigned to the Accident Floor for the purpose of making out official police reports for the Police Department.

The distribution of this information is necessary to the operation of the hospital and for the benefit of friends, relatives and the authorities. Every attempt is made to see that it is kept within the proper channels.

Placed on file.

#### RESURFACING MT. PLEASANT AVENUE, WARD 8.

The following was received:

City of Boston,  
Office of the Mayor, September 22, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of September 11, 1939, concerning the resurfacing with smooth paving Mt. Pleasant avenue, Ward 8.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
September 20, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Mt. Pleasant avenue, Ward 8.

This will advise you that this street is on an approved W. P. A. project and it is expected that work will start sometime during the month of October.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### WILLIAM C. KELLY SQUARE.

Coun. IRWIN offered the following:

Ordered, That the square in East Boston erroneously named William J. Kelly square by an order of the City Council April 17, 1922, be named and hereafter known as William C. Kelly square, in honor of William C. Kelly, who died in France on October 25, 1918, in the service of the United States in the World War.

Passed under suspension of the rule.

#### ENTERING AGE OF SCHOOL CHILDREN.

Coun. ROSENBERG offered the following:

Ordered, That the Boston School Committee be requested, through his Honor the Mayor, to permit children who have reached the age of four years and six months on or before the first day of October, 1939, to enter the kindergarten, and those who have reached five years and six months on or before the first day of October, 1939, to enter the first grade of school.

Coun. ROSENBERG—Mr. President, the Boston School Committee this year voted that children in order to be admitted to the kindergarten must reach the age of four years and six months on or before the first day of September of this year, and those to enter the first year of the grammar school must reach the age of five years and six months on or before September first of this year. I believe that this act is working a hardship on a large number of children who ordinarily could be obtaining a year's schooling and training. Prior to this year children were admitted sometimes up to November 1st when they reached the age of four years and six months and five years and six months, respectively, in the first year school. I am also informed that a large number of the classrooms at the present time are half empty and the teachers have only a handful of children in the kindergarten classes and surely one month's leeway being given so that children who have reached the age of four years and six months on or before the first of October would in no way work a hardship and would give a large number of children who today have to be taken either to private schools or kept at home an opportunity to attend these schools. In this way I believe a great deal would be done for the advancement of these children rather than have them stay around home for a year. I trust the School Committee will reconsider its act so children may enter school.

Passed under suspension of the rule.

#### CONFIRMATION OF APPOINTMENTS.

President MURRAY called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointments submitted by the Mayor September 18, 1939, of William F. Nyhan and John J. Foley, to be Constables, without authority to serve civil process and to serve without bonds.

2. Action on appointments submitted by the Mayor September 18, 1939, of George R. Gorman, to be a Weigher of Coal, and Henry S. Kettendorf, to be a Weigher of Goods.

The question came on confirmation. Committee, Coun. Sullivan and Irwin. Whole number of ballots 13, yeas 13, nays 0, and the appointments were confirmed.

#### APPOINTMENT OF ADDITIONAL INVESTIGATORS IN WELFARE DEPARTMENT.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of immediately appointing additional investigators in the Welfare Department in order that applications for W. P. A. recertification may be expedited.

Coun. CAREY—Mr. President, since the heavy lay-offs on W. P. A. started around the first of July, I believe each and every member of this Body has been besieged by people asking for assistance in being investigated and recertified for W. P. A. employment. The work seems to be accomplished very slowly due to the fact that sufficient help is not available in the units of the Welfare Department. However, the investigators are constantly on the spot, due to the fact that those who are desiring investigation and recertification cannot understand why it takes so long. A great many of these people are men with families and widowed mothers and others who must be put back to work without delay. I therefore would like to have the Mayor give serious consideration to this order and if possible immediately appoint several investigators so these investigations may be made without further delay.

Coun. ROSENBERG—Mr. President, I had intended introducing a similar order and there is in the Dorchester unit of the Public Welfare three girls who are checking the cases of those persons who come in to be recertified. They are

doing everything possible to take the applications for recertification. One of my constituents in my district informed me that in view of the large number of people who have been going down to the unit, he had to return on four different occasions before his application was taken,—twenty cents car fare each time he went there,—and I feel that everything possible ought to be done to expedite the condition that is existing throughout the various units and if a similar situation like Dorchester is being experienced in other sections of the city, every possible means should be taken to relieve the situation.

Passed under suspension of the rule.

RECESS.

On motion of Coun. KERRIGAN, the Council voted at 2.30 to take a recess, subject to the call of the Chair. The members reassembled in the Council Chamber and were called to order at 3 p. m. by President MURRAY.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on message of the Mayor and order (referred this day) for appropriation of \$700 in connection with an investigation of the mosquito nuisance in the Charles River Valley—that same ought to pass.

Report accepted; said order passed, yeas 16, nays 0.

2. Report on petition of the Massachusetts Retail Grocers and Provision Dealers Association that certain minor children appear at the Boston Garden, October 14 to 21—that permit ought to be granted.

Report accepted; said permit granted.

REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition of Hersey Manufacturing Company (referred this day) for driveway opening at E and Second streets—that leave be granted.

2. Report on petition of the Fifty Associates (referred this day) for driveways opening at Elm and Friend streets—that leave be granted.

Report accepted; permits granted under usual conditions.

SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending payment of aid to soldiers and sailors and their families in the City of Boston, for the month of September, 1939.

Report accepted; said order passed.

INCREASED ALLOWANCE FOR WELFARE RECIPIENTS.

Coun. McMAHON offered the following:

Ordered, That his Honor the Mayor be requested to instruct the Director of Public Welfare to investigate and report to the Boston City Council, whether or not the budget tables now used in computing allowances for families on public welfare are reliable in view of recent increases in prices of foodstuffs occasioned by the war situation.

Coun. McMAHON—Mr. President, I filed this order as a result of many people coming to me who are now on the welfare rolls requesting that they be allowed an increase in their welfare allowance. It stands to reason that if two persons are permitted somewhere around \$6.65 a week and there is a sudden increase in the prices

of food, that that particular allowance is not enough. Now, when you take into consideration that condition, plus the fact that sometime ago the people were notified that instead of getting their milk in the W. P. A. commodity station for two cents a quart, they now have to pay five cents a quart, you can realize that perhaps the money that is allowed to the welfare recipient is certainly not enough to allow them to get by and to meet all the various bills that they have to meet. I would simply like to ask through his Honor the Mayor that the Executive Director of the Public Welfare go over his table of allowances to the various families and see if there is not something he can do in the way of increasing their allowance in order to help them during these days of profiteering, excused, perhaps, because of some sort of an uncertain situation. You know and I know that every time something happens on the other side of the world big business men here take advantage of it and the only people who really suffer from it are the people here who can hardly stand any increase in the cost of food-stuff. I certainly hope this order passes and I certainly hope the Executive Director of Public Welfare will find some way of increasing these public welfare allowances.

Passed under suspension of the rule.

ERECTION OF MUNICIPAL BUILDING IN WARD 12.

Coun. TAYLOR offered the following:

Ordered, That the Superintendent of Public Buildings be requested, through his Honor the Mayor, to consider the advisability of erecting a municipal building in Ward 12, either as a P. W. A. project or otherwise.

Coun. TAYLOR—I must again rise on the floor of the Council to ask his Honor the Mayor if he won't provide the ways and means for the purpose of promoting and protecting the health of the people of my district. We are the one district in the entire city that has not a municipal building. We are the one district that has practically no playgrounds and as a result the children of my district are forced to play on the streets and in doing so many have been killed and injured by the traffic that is on the street. In the event that anyone in the district, adult or children, desires to go to any municipal building for either physical or mental culture, he must travel a great distance to other districts, and we feel that our district has been neglected long enough, and although I appreciate the fact that it will cost money to do so, nevertheless the city is run not for profit, but to promote the health and welfare of the people of the city and I honestly believe that the people of my district are entitled to some of the advantages that are being offered in other sections of the city.

Passed under suspension of the rule.

OPINION REQUESTED ON LEGALITY OF "BANK NIGHT."

Coun. TAYLOR offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to furnish the City Council with an opinion as to the legality of conducting so-called "bank nights" in the theatres of Boston.

Passed under suspension of the rule.

IMPROVEMENT TO STREETS IN WARD 13.

Coun. HUTCHINSON offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Austin avenue, Ward 13, as a public highway, under the W. P. A. plan of construction.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Downer avenue, Ward 13, under the W. P. A. plan of construction.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor to accept and lay out Annapolis street, Ward 13, as a public highway, under the W. P. A. plan of construction.

Severally passed under suspension of the rule.

#### BARRING TRUCKS FROM PLEASANT STREET, WARD 13.

Coun. HUTCHINSON offered the following:

Ordered, That the Traffic Commission be requested, through his Honor the Mayor, to bar trucks from the use of Pleasant street, Ward 13.

Passed under suspension of the rule.

#### SCREENING WINDOWS OF GYMNASIUM IN ROSLINDALE SQUARE.

Coun. LANGAN and LYONS offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to arrange for the screening of the inside of windows of the gymnasium of the Municipal Building in Roslindale square, to permit the use of the building for softball games.

Passed under suspension of the rule.

#### REQUIREMENTS FOR EXAMINATION FOR SOCIAL WORKERS.

Coun. LYONS offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Director of Civil Service with a view to having him reconsider the requirement calling for two years' paid experience for persons who desire to take the forthcoming examination for the position of social worker in order that any person having experience of three months or more may be permitted to take said examination.

Coun. LYONS—Mr. President, as I understand it, around the 25th of October an examination will be held for social workers here in Boston. Last year the Legislature passed an act giving full authority to the Civil Service Commission to write up their own examinations the best way they saw fit. It was stipulated that a requirement for this forthcoming examination would be two years' experience. In the City of Boston at the present time, for the last year, there is in the vicinity of forty or forty-nine people who are now temporarily employed by the City of Boston as social service workers. These people are forced to take the examination and on this examination coming they have only worked one year with pay experience, so that will knock them out automatically. I hope this Council sees fit to pass this order and that the Mayor will confer with the Legislative Agent, or the head of the Civil Service Commission and readjust the requirements.

Passed under suspension of the rule.

#### SHELTER AT BEACON AND ST. MARY'S STREETS.

Coun. AGNEW offered the following:

Ordered, That the Boston Elevated Railway Company be requested, through his Honor the Mayor, to erect a shelter station at Beacon and St. Mary's streets, Ward 21; said shelter for the protection of Elevated patrons during inclement weather.

Passed under suspension of the rule.

#### STAIRWAY AT CITY SQUARE.

Coun. GALVIN offered the following:

Ordered, That the trustees of the Boston Elevated be requested, through his Honor the Mayor, to make a survey of the City square area to determine the possibility of extending the stairway to the sidewalk level for the safety of persons using this terminal.

Passed under suspension of the rule.

#### SAFETY ISLAND AT HENLEY, PARK AND WARREN STREETS.

Coun. GALVIN offered the following:

Ordered, That the Traffic Commission be requested, through his Honor the Mayor, to arrange for the construction of a safety island at the junction of Henley, Park and Warren streets, Ward 2.

Passed under suspension of the rule.

#### BEAUTIFYING COLUMBUS AND HUNTINGTON AVENUES.

Coun. CHASE offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to sponsor a W. P. A. project whereby two main arteries leading into the heart of Boston, namely, Huntington avenue and Columbus avenue, will be beautified by the planting of appropriate trees.

Coun. CHASE—Mr. President, other large cities throughout America have adopted measures of beautifying streets by the planting of young trees and I see no great reason why Boston could not adopt similar measures. The streets referred to in the order unquestionably are two of Boston's main arteries, yet they are devoid of any beautification. All one sees on the streets are macadam highways, with concrete sidewalks and brick buildings. Obviously, trees planted along these highways, will decidedly improve the appearance of these two main arteries and I sincerely hope his Honor the Mayor of Boston will urge the Park Commissioner to do something about this matter.

Passed under suspension of the rule.

Adjourned at 3.15 p. m., to meet on Monday, October 2, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, October 2, 1939.

Regular meeting of the City Council in Council Chamber, City Hall, at 2 p. m., Coun. SHAT-TUCK presiding. Absent, Coun. Harris, Murray and Norton.

## JURORS DRAWN.

Jurors were drawn in the manner prescribed by law, Coun. TAYLOR presiding at the jury box in the absence of the Mayor, as follows:

One hundred seven traverse jurors, Superior Civil Court, to appear November 6, 1939:

Joseph Amante, Ward 1; Joseph J. Cartrucci, Ward 1; Charles Christian, Ward 1; Timothy Dacey, Ward 1; William H. Hanlon, Ward 1; Timothy Harris, Ward 1; Walter A. Haveny, Ward 1; Ernest G. Hedstrom, Ward 1; Frederick M. Lewis, Ward 1; Edward F. McInnis, Ward 1; Michael Mercatande, Ward 1; Joseph Moralis, Ward 1; Walter M. Campbell, Ward 2; Thomas J. Connolly, Ward 2; Fred McLaughlin, Ward 2; Thomas F. Warner, Ward 2; Hyman Bloom, Ward 3; John Kane, Ward 3; Percy T. Sprague, Ward 3; Grafton C. Hingley, Ward 4; Simon Lovett, Ward 4; George J. Carpenter, Ward 5; Robert Newton Linscott, Ward 5; William C. Cunningham, Ward 6; Russell Joseph Hatch, Ward 6; John E. Hoban, Ward 6; Henry C. Pragoff, Ward 6; Frank E. Colombo, Ward 7; Arthur L. Fay, Ward 7; Joseph D. Flaberty, Ward 7; George F. Frazier, Jr., Ward 7; Frederick Harrison, Ward 7; Edwin F. Hogan, Ward 7; William J. Madden, Ward 7; Thomas F. Nolan, Ward 7; Vincent Nuzzo, Ward 7; Michael J. O'Toole, Ward 7; Edward J. Piotti, Ward 7; Thomas J. Robertson, Jr., Ward 7; Cornelius F. Buckley, Ward 8; Patrick J. Cleary, Ward 8; Arthur E. Crozier, Ward 8; James S. Deraney, Ward 8; Francis Hagerty, Ward 8; Emory W. Laberheim, Ward 8; John L. Masters, Ward 8; Robert I. Mortimer, Ward 8; Frederick E. Petterson, Ward 8; Edward F. Williams, Ward 8; Albert A. Kenney, Ward 10; George A. Fitzpatrick, Ward 11; David G. Lewis, Ward 11; John J. Nolan, Ward 11; Alfred T. Wilcox, Ward 11; Archibald R. Blair, Ward 12; Samuel A. Goldberg, Ward 12; Edwin S. Granlick, Ward 12; Henry F. McCormack, Ward 12; Arthur I. Newcomb, Ward 12; Arthur Petit, Ward 12; Alexander Wright, Ward 12; William S. Flanagan, Ward 13; Augustus P. York, Ward 13; Max Epstein, Ward 14; Samuel Needle, Ward 14; Jacob Wolf, Ward 14; Edward F. Glavin, Ward 15; Clifford W. Green, Ward 15; Joseph H. Philbrick, Ward 15; Joseph P. Sears, Ward 15; James J. McCarthy, Ward 16; Walter H. Madden, Ward 16; John F. Monahan, Ward 16; Phil H. Sheridan, Ward 16; Joseph J. Davidson, Ward 17; Walter F. Knowlton, Ward 17; Percy R. McKnight, Ward 17; John F. Morgan, Ward 17; Charles G. Morris, Ward 17; Walter P. Whidden, Ward 17; Thomas J. Carbone, Ward 18; John J. Deegan, Ward 18; William A. Gibbs, Ward 18; Frederick C. L. Spindler, Ward 18; James W. Stewart, Ward 18; Gustav R. Hedlund, Ward 19; Walter H. Kallenbach, Ward 19; Ralph J. Mock, Ward 19; John H. O'Neil, Ward 19; Louis H. Single, Ward 19; Albert F. Wilkins, Ward 19; John J. Judge, Ward 20; Homer A. Lightbody, Ward 20; Otis T. Lockhart, Ward 20; George F. McLaughlin, Ward 20; William J. Storton, Ward 20; George E. Finn, Ward 21; Francis L. Galassi, Ward 21; Elmer R. Morse, Ward 21; Charles M. Ross, Ward 21; Carl Berg, Ward 22; Frank M. Farquharson, Ward 22; Joseph P. Jordon, Ward 22; Henry F. McGovern, Ward 22; Frederick J. Michaels, Ward 22; George E. Murphy, Ward 22; David O'Keefe, Jr., Ward 22.

Seventy-four traverse jurors, Superior Criminal Court, November Sitting, to appear November 6, 1939:

John P. Burke, Ward 1; Carlton W. Crocker, Ward 1; Thomas J. Kearns, Ward 1; James P. Porter, Ward 1; Frederick S. H. Robbins, Ward 2; Walter F. Tierney, Ward 2; Orazio J. Freno, Ward 3; Julius Ginsburg, Ward 3; Joseph V. Mahoney, Ward 3; James E. O'Connor, Ward 3; James J. Smith, Ward 3; Charles H. Briggs, Ward 4; Daniel H. Curry, Ward 4; Edward W. Delaney, Ward 4; Hugo F. Larson, Ward 4; John F. McDonald, Ward 4; Richard H. McGrath, Ward 4; Irving L. Peatfield, Ward 4; Henry B. Tucker, Ward 4; J. Urban Edgren, Ward 5; Godfrey Weber, Ward 5; Nicola DeLucia, Ward 6; William E. Donovan, Ward 6; John Piepiora, Jr., Ward 6; Edward J. Moore, Ward 7; John F. Mulloy, Ward 7; Michael J. Norton, Ward 7; Howard S. Rugg, Ward 7; Julius Becker, Ward 8; John A. Carroll, Ward 8; Arthur J. Stearns, Ward 8; Arthur F. Gleason, Ward 9; Frank E. Carter, Ward 10; James E. Marlihan, Ward 10; Michael J. Murphy, Ward 10; Carl P. Coggins, Ward 11; Edward T. Mullen, Ward 11; Joseph T. James, Ward 12; Chester Cheney, Ward 14; Maurice Pearlman, Ward 14; Samuel Rosenthal, Ward 14; John N. Steele, Ward 14; Joseph F. Coughlan, Ward 15; Robert F. Kiley, Ward 15; John McWade, Ward 15; Anthony J. Stravinsky, Ward 15; Robert H. Triggs, Ward 15; Darrell W. Lowe, Ward 16; Nelson E. Pidgeon, Ward 16; Albert F. Pisciotoli, Ward 16; Timothy J. Hanlon, Ward 17; William Payne, Ward 17; John Denner, Ward 18; Frederick A. Fisher, Ward 18; Hyman Gilbert, Ward 18; Daniel J. McCann, Ward 18; Edwin J. Roberts, Ward 18; James W. Coughlan, Ward 19; William A. Foley, Ward 19; George Joseph, Ward 19; James A. Daley, Ward 20; Richard W. Davis, Ward 20; George N. Graves, Ward 20; Albert E. Krueger, Ward 20; John J. Macdonald, Ward 20; David E. Mellin, Ward 20; Harold R. Breaker, Ward 21; Chester A. Perkins, Ward 21; Benjamin Ed. Stearns, Ward 21; Willard H. Bryant, Ward 22; Horace E. Cahill, Ward 22; Christopher J. O'Reilly, Ward 22; William J. Quinn, Ward 22; John Henry Sullivan, Jr., Ward 22.

## APPOINTMENT OF CONSTABLE.

Subject to confirmation by the Council, the Mayor submitted the appointment of William Tepper, 369 Blue Hill avenue, Ward 12, to be a Constable of the City of Boston for term of one year, beginning with first day of May, 1939, with authority to serve civil process upon the filing of the necessary bond.

Laid over for a week under the law.

OPINION OF CORPORATION COUNSEL  
RE PLEBISCITE.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.

Gentlemen,—With reference to your two related orders dated June 5 and September 18, respectively, requesting that I arrange for a plebiscite on Federal low-rent housing in Boston, I beg to report that both orders were submitted by me to the Corporation Counsel for his consideration and advice.

I inclose herewith the communication of the Corporation Counsel, in which he states that in his opinion neither the Mayor nor the City Council has the power to provide that questions other than those specified by the Legislature shall be placed on the ballot for action by the voters.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, September 21, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—You have sent me for my consideration the following order of the City Council passed September 18, 1939:

"Ordered, That his Honor the Mayor be requested to advise the City Council of an intention to comply with the request of the Boston City

Council contained in order passed on June 5, 1939, for a plebiscite or a referendum which will permit the voters in Boston at this year's city election to express approval or disapproval of further extension of Federal low-rent housing in Boston."

The order referred to passed on June 5, 1939, reads as follows:

"Ordered, That his Honor the Mayor be requested at this year's city election to provide for a plebiscite or referendum which will permit the voters of Boston to express their approval or disapproval of either the extension of Federal low-rent housing in Boston or carrying out the proposed ten year plan which the Housing Authority has informed the Council will finally house no less than 35,000 Boston families following an expenditure of \$191,000,000."

With reference to these two orders you request my opinion as to whether you have power to comply with the purpose thereof, namely, "to provide for a plebiscite or referendum" at this year's city election to ascertain the attitude of the voters of Boston upon the extension of low-rent housing projects in Boston under Federal and State enabling legislation.

It is my opinion that neither the Mayor nor the City Council has the power to provide, in the call for the election or otherwise, that questions other than those specified by the Legislature shall be placed on the ballot for action by the voters. This subject is one which appears to be controlled entirely by provisions either of the state constitution or statutes, leaving no room for independent action by any city or town.

In chapter 54 of the General Laws, which deals with elections, there are some references to questions to be submitted to the voters, as in section 42, which provides where such questions shall be printed on the ballot, and in sections 48 through 58 which provide for furnishing information to the voters, but there is no reference to the determination of what questions shall appear on the ballot. Section 63, dealing with calls for elections in cities, does not contain anything about questions to be submitted, and the only reference to such questions in section 64, dealing with notices and warrants, is as follows:

"Notices or warrants for state and city elections and for the election of town officers in towns where official hallots are used shall specify by name all the offices to be voted for, and state, in the form in which it will appear upon the hal- lot, any question submitted to the voters."

These sections of chapter 54 obviously do not purport to determine what questions shall be on the ballot. That is done by the constitution or other statutes. Article XLVIII of the amend- ments to the Constitution of Massachusetts deals with the initiative and referendum, and contains various specific provisions for the submission under that procedure of questions of the people at an election. General Laws, chapter 53, section 18, provides for the submission of amend- ments to the Federal constitution, and section 19 for the submission of questions of public policy in certain senatorial districts. Other questions are frequently the subject of special statutes, and it has been the common practice of the Legis- lature, in special statutes affecting a particular city or town, to include a provision requiring favorable action upon a referendum before the act becomes finally effective. But in every in- stance of which I have knowledge the statute has specified the question or questions to be sub- mitted, and has left nothing of that kind to the choice of city officials.

In this particular case, the Legislature deter- mined itself a state-wide policy with reference to housing and made no provision for ascertaining the popular will with reference to that general policy either throughout the Commonwealth or in any particular city or town. It did, however, provide that cities and towns must first determine the need for the provision of low-rent housing, in cities by vote of the City Council and in towns by town meeting. (In so doing, it acted in con- formity with the language of Chief Justice Gray in the case of *Stone v. Charlestown*, 114 Mass. 214, concerning the consolidation of Charlestown and West Roxbury with Boston, where he said, at page 222:

"The Legislature, having the exclusive power of determining whether such an act shall or shall not be submitted to popular vote at all, may also determine how the vote shall be taken upon any

act so submitted, and, when the municipality in question is a city, whether the vote upon its ac- ceptance shall be by the City Council, as rep- resenting the whole city, or by the inhabitants themselves, and in the latter alternative, whether their votes shall be taken in a general meeting or by wards. The power of the Legislature in this respect is not restricted by any constitutional provision.")

Once a city or town voted that the need existed, and a local authority was organized pursuant to that vote, the Legislature evidently deemed any requirements of local option to be satisfied and made no further provision for ascertaining the will of the voters beyond that so afforded. In the City of Boston, of course, the City Council, acting as representatives of the people, long since determined the need for low-rent housing and approved the creation of the Housing Authority. Once having done so, no further opportunity is provided by the enabling legislation to take further votes from time to time. The Legislature evidently intended to confer upon the local housing authorities full power to determine all questions of detail, including the scope and extent of housing projects to be embarked upon. (See General Laws, chapter 121, section 26L, as inserted by chapter 484 of the Acts of 1938.)

There are no provisions in special statutes applicable to the City of Boston which appear to leave any room for the submission of questions not specified by the Legislature. The present charter (Acts of 1909, chapter 486) contains nothing of this kind. A possible basis for doubt may be an earlier charter provision, Acts of 1854, chapter 448, section 60, as amended by Acts of 1882, chapter 204, as follows:

"General meetings of the citizens qualified to vote in city affairs may from time to time be held to consult upon the common good, to give in- structions to their representatives, and to take all lawful measure to obtain a redress of any grievance according to the right secured to the people by the constitution of this Commonwealth. Such meet- ings shall and may be duly warned by the board of aldermen upon the requisition of twenty-five qualified voters of each ward of said city. If the board of aldermen refuses or neglects to call any such meeting, any justice of the municipal court of said city may, upon a like requisition, by a warrant under his hand in such form, and so served, executed and returned, as he shall deter- mine, call such meeting at such time and in such manner as he may direct, and shall appoint some one to preside therein until the same shall be duly organized by the choice of clerk and chairman."

This has never been expressly repealed, even though a new charter is now in effect. It is a question whether it has been repealed by implica- tion, but I do not think that needs to be decided. This provision is of the type which was placed in the charter of almost every city in the Common- wealth upon its transition from the town meeting form of government. The policy of the Legislature in thus attempting to provide specifically for the constitutional right of assembly is explained in detail in an opinion by Chief Justice Rugg in *Wheelock v. Lowell*, 196 Mass. 220, at pages 225 and 228. The opinion quotes from Article 19 of the Declaration of Rights in the Constitution of Massachusetts, which states that, "The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer. It speaks of the right of the voters to have the fullest and freest discussion in regard to public men and political measures, and of the importance of "the practical instruction of the citizens in affairs of government through the instrumentality of public meetings and face to face discussions." The case itself held that it was proper for a city to spend money to provide a hall for those purposes. But all this has to do with the constitutional rights of assembly and free speech, and these would exist regardless of the submission of a question to the voters on a printed ballot. Even though the statute just quoted may still be in effect as a means of providing face to face discussion, it is my opinion that it was never intended to authorize and does not now authorize city officials to submit questions of their own choosing to the voters on printed hallots.



Another statute which may raise a question is Acts of 1890, chapter 401, section 1, which provided as follows:

"No warrant shall issue for calling meetings in the several wards of the city of Boston, or in the precincts thereof, or any of them, for elections or other purposes; but the city clerk of said city shall, seven days at least before the day fixed for any meeting, advertise in at least four daily newspapers published in said city, a notice of the time and place of such meeting, the hours for opening and closing the polls, the officers to be chosen, and the question or questions to be voted upon, any provision of the charter of said city or of any special or general law to the contrary notwithstanding."

Even if that statute were still in effect, the reference in it to "the question or questions to be voted on" would not, in my opinion, be any more than a direction as to handling a question which the Legislature had specified. But this statute seems to have been superseded by General Laws, chapter 54, sections 63 and 64, to which I have already referred, and so in any event affords no exceptions to the principle that apart from the constitution, only the Legislature, by a statute specially applicable, can determine what questions shall be placed upon a ballot.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

**LOAN FOR PAVING SERVICE.**

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.

To the City Council.

Gentlemen,—I am advised by the Commissioner of Public Works that the appropriation for W. P. A. projects in the budget of the Paving Service will not be sufficient to carry on the projects now in operation. The Paving Service is employing at the present time approximately 4,300 W. P. A. employees working on some forty street projects sponsored by that service. In the year 1938, at an expenditure of \$441,271.75 for Relief Projects sponsored by the Paving Service, there were 38.44 miles of highway constructed or reconstructed by the Paving Service as W. P. A. projects. The total expenditures to date for the current year have been \$425,236.84, but because of the greatly increased activity it will be necessary to provide additional funds to carry on this double function of work relief and city maintenance.

Under the provisions of chapter 72 of the Acts of 1939 municipalities are authorized to borrow for Federal Emergency Unemployment Relief Projects, and in accordance with this authorization I submit herewith a loan order providing for the borrowing of \$150,000 for Relief Projects in the Paving Service budget of the Public Works Department, and recommend adoption by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of chapter 72 of the Acts of 1939, a loan in the sum of \$150,000, outside the debt limit, be, and hereby is, authorized, and that the City Treasurer, upon request of the Mayor, be authorized to issue bonds or notes therefor, and that the said sum of \$150,000 be, and hereby is, appropriated, to be expended in accordance with the provisions of said chapter 72 of the Acts of 1939 for the following purpose:

PUBLIC WORKS DEPARTMENT.  
Paving Service.

H. Relief Projects..... \$150,000

Referred to Executive Committee.

**RESURFACING OF CULBERT STREET,  
WARD 18.**

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from George G. Hyland, Commissioner of Public

Works, relative to your order of September 18, 1939, concerning the resurfacing of Culbert street, Ward 18, with smooth pavement as a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
September 26, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface Culbert street, Ward 18, with smooth pavement as a W. P. A. project.

Please be advised that the above-named street is on an approved W. P. A. project for construction.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**TRAFFIC LIGHTS, CHARLES STREET.**

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from William P. Hickey, commissioner, Boston Traffic Commission, relative to your order of August 28, 1939, concerning a survey with reference to installing traffic lights at the junction of Allen and Charles streets, Ward 3.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, September 25, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—Under date of August 31, 1939, your Honor referred to this office, for consideration and report, the following City Council order:

"Ordered, That the Traffic Commissioner he requested, through his Honor the Mayor, to conduct a survey with reference to installing traffic lights at the junction of Allen and Charles streets, Ward 3."

Surveys have been made at Allen and Charles streets and if money is made available we are prepared to install traffic signals in this intersection.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

**BUS LINE, EGGLESTON SQUARE-GREEN  
STREET STATION.**

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from Edward Dana, President and General Manager of the Boston Elevated Railway, relative to your order of August 28, 1939, concerning the establishment of a bus line from Eggleston square, along Washington street to Boylston street, over Lamartine street to the Green Street Station, and return.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
September 22, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—The trustees have given consideration to the request of the City Council that bus service be established between Eggleston and Green Street Stations via Washington, Boylston and Lamartine streets.

The suggested service would closely parallel existing service and would produce very little, if any, additional revenue. Operation of buses through Eggleston Station would quite seriously interfere with existing car operation. The loop at Green street would be over unsatisfactory

streets, Green street now being used one way for the Centre street bus line and is too narrow for two-way operation.

For the reasons above stated and having in mind also that operation of the suggested service would add to the deficit, the trustees do not feel that it can be justified.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

#### SOFTBALL GAMES, ROSLINDALE MUNICIPAL BUILDING.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from William P. Long, Chairman of the Board of Park Commissioners, relative to your order of September 23, 1939, concerning arrangements for the screening of the inside of the windows of the gymnasium of the Municipal Building in Roslindale square, to permit of the use of the building for softball games.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, September 30, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I am acknowledging your memorandum of September 27 with inclosure, order from the City Council requesting screening of the inside of the windows of the gymnasium in the Roslindale Municipal Building, to permit the playing of softball.

I am returning the order, as any repairs to the Roslindale Municipal Building will have to be made by the Superintendent of Public Buildings.

However, I do want to say that softball can never be played successfully inside of a building. We have attempted this game in a number of gymnasiums without any success and always with great danger to the players and damage to the buildings, even after the windows had been screened.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### TRANSFERS WITHIN DEPARTMENTAL APPROPRIATIONS.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.  
Gentlemen,—I am forwarding requests for transfers within departmental appropriations in the following departments and recommend adoption of the accompanying orders by your Honorable Body: Hospital Department; Suffolk County Court House, Custodian; Supreme Judicial Court.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Hospital Department:

From the appropriation for A, Personal Service, \$3,000, to the appropriation for F, Special Items, \$3,000.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Hospital Department:

From the appropriation for D, Supplies, \$1,000, to the appropriation for E, Materials, \$1,000.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Hospital Department:

From the appropriation for C, Equipment, \$1,500, to the appropriation for E, Materials, \$1,500.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Suffolk County Court House, Custodian:

From the appropriation for C, Equipment, \$6,000, to the appropriation for B, Contractual Services, \$6,000.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Supreme Judicial Court:

From the appropriation for B, Contractual Services, \$25, to the appropriation for C, Equipment, \$25.

Referred to Executive Committee.

#### DISTRIBUTION OF COMMODITIES.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from William G. O'Hare, Executive Director of the Overseers of the Public Welfare, relative to your order of September 18, 1939, concerning the arrangements for the use of the indoor facilities of all buildings where Federal commodities are distributed, so that recipients may be permitted to remain indoors during inclement weather while waiting for the issue of their commodities.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
September 29, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.  
Attention of Mr. William T. Doyle.

Dear Sir,—This department has received your communication with inclosed copy of an order from the City Council, dated September 18, 1939, reading as follows:

"Ordered, That his Honor the Mayor be requested to contact the W. P. A. authorities and arrange for the use of the indoor facilities of all buildings where Federal commodities are distributed, so that recipients may be permitted to remain indoors during inclement weather while waiting for the issue of their commodities."

May I say that the use of buildings in various districts to distribute commodities has ever been a problem in this department since that type of distribution was started. We are doing and shall continue to do everything we can, first, by having the W. P. A. workers expedite the issuance of goods, especially in inclement weather, and, second, to adapt our situation as best we can to keep these people from public gaze.

As the members of the Council may well know, in order not to increase the burden on the city we have had to use such buildings as we could find available for this distribution. I do want the honorable members of the City Council to know that we realize fully that we should cooperate in the matter of not having people exposed to inclement weather and do everything possible to see that no complaints are received on this score.

I shall refer the matter further to Mr. John C. Stalker, Director of the Surplus Commodities Division, for instructions to go from him to his workers along the same line.

Trusting this will be satisfactory to the members of the City Council, I am,

Respectfully yours,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

#### SHELTER, UPHAM'S CORNER.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from Edward Dana, President and General Manager of the Boston Elevated Railway, relative to your

order of September 11, 1939, concerning the erection of a shelter on Columbia road reservation, at Upham's Corner, for the protection of patrons against inclement and cold weather.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
September 22, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—Replying to your letter of September 18 with order of the City Council requesting erection of a shelter on Columbia road reservation at Upham's Corner, we receive many requests for shelters at stopping places on the system and have carefully gone into the matter, but in the opinion of the Board of Trustees the expense entailed if these requests were granted is not justified.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

#### DISTRIBUTION OF COMMODITIES, WARD 20.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from William G. O'Hare, Executive Director of the Overseers of the Public Welfare, relative to your order of September 11, 1939, concerning the establishment of a station for the distribution of surplus commodities in Ward 20.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
September 29, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Attention of Mr. William T. Doyle.

Dear Sir,—This department has received your communication with inclosed copy of an order from the City Council, dated September 11, 1939, reading as follows:

"Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to establish a station for the distribution of surplus commodities in Ward 20."

A study is being made for a possible location in Ward 20 for such a station. I have also reported the matter to Mr. John C. Stalker who is the director of the project for surplus commodities distribution, and if it is at all possible, and the demand is great enough, we shall do everything we can to cooperate with the order of the City Council.

Yours truly,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

#### LUNCH ROOM, FRANK V. THOMPSON SCHOOL.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from Miss Ellen M. Cronin, Secretary of the School Committee of the City of Boston, relative to your order of June 12, 1939, concerning arrangements to provide a proper lunch room for the students of the Frank V. Thompson School.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, September 21, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council on June 12, 1939, an order was passed requesting the School Committee, through your Honor, to provide a proper lunch room for pupils of the Frank V. Thompson School.

The School Committee on Monday evening of this week referred the order to the Superintendent

of Schools, with the suggestion that he discuss the matter with the Superintendent of Construction. The Superintendent agrees that additional lunch room facilities are desirable, provided accommodations within the building may be had and provided, further, that there are sufficient funds available for the purpose.

At the first opportunity, the Superintendent will discuss the matter with the Superintendent of Construction.

Respectfully yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

#### UNDERGROUNDING OF WIRES, JEROME STREET.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Fire Commissioner relative to your order of September 18, 1939, concerning the inclusion of the wires on Jerome street, Ward 13, in his underground program for the year 1940.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Fire Department, September 26, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—I am in receipt of the City Council order of September 18, 1939, concerning the inclusion of the wires on Jerome street, Ward 13, in the underground program for 1940.

Hearings will be held shortly concerning proposed streets for the 1940 underground program, and I shall include Jerome street of Ward 13 in our list for the year. At these hearings the residents of the streets are invited to attend and register any objections which they may have and at these hearings, likewise, they are informed as to what the costs will be to them for this improvement.

Respectfully yours,  
WM. ARTHUR REILLY,  
Fire Commissioner.

Placed on file.

#### TABLET, NINTH REGIMENT.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.

Gentlemen,—I submit herewith an order for the appropriation of \$500 from the income of the Phillips Street Fund, for the purpose of erecting a tablet at Old Colony avenue, Old Harbor Village, in memory of the officers and men of the Old Ninth Regiment, Massachusetts Volunteer Militia.

I am informed that there is sufficient income available in the Phillips Street Fund for this purpose, and I am in hearty agreement with the proposal that a tablet of this character be erected in honor of the heroes of the Old Ninth Regiment.

I respectfully recommend passage of the accompanying order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$500 be, and the same hereby is, appropriated, to be expended under the direction of the Art Department, for the erection of a stone and bronze tablet to the memory of the officers and men of the Old Ninth Regiment, Massachusetts Volunteer Militia, in the circle on Old Colony avenue, at Old Harbor Village, South Boston, said amount to be charged to the income of the Phillips Street Fund.

Referred to Executive Committee.

#### TREE PLANTING.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from William P. Long, Chairman of the Board of Park Commissioners, relative to your order of September 25, 1939, concerning the sponsoring of a

W. P. A. project, whereby two main arteries leading into the heart of Boston, namely, Huntington avenue and Columbus avenue, will be beautified by the planting of appropriate trees.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, September 30, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I am acknowledging your memorandum of September 28 with inclosure, order from City Council concerning the sponsoring of a P. W. A. project for the planting of trees on Huntington and Columbus avenues.

Please be informed that the department will give every consideration to the recommendation of the City Council.

I do, however, want to say that trees in business sections of the city have never been successful, in more ways than one. If the trees are planted they have to receive a certain amount of care for the following two years, and after the trees take hold the proprietors of the stores feel that they block the view of prospective customers and also interfere with the delivery of merchandise.

Huntington avenue had been planted to Massachusetts avenue, but a number of the trees have been removed on account of the subway. Columbus avenue was also planted, at one time, to Massachusetts avenue, but a number of the trees had to be removed.

Very truly yours,  
WILLIAM P. LONG, Chairman.  
Placed on file.

#### NOTARY IN EACH WELFARE UNIT.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from William G. O'Hare, Executive Director of the Overseers of the Public Welfare, relative to your order of September 11, 1939, concerning the authorization of one person in each welfare unit as a notary, to take care of the certification of applications in connection with W. P. A. employment.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
September 29, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.  
Attention of Mr. William T. Doyle.

Dear Sir,—This department has received your communication with inclosed copy of an order from the City Council, dated September 11, 1939, reading as follows:

"Ordered, That the Director of the Public Welfare Department be directed, through his Honor the Mayor, to arrange for the authorization of one person in each welfare unit as a notary, to take care of the certification of applications in connection with W. P. A. employment."

May I state that when the W. P. A. termination order at the end of eighteen months service came through we thought of setting up an individual notary in each one of the district units in order to work out more rapidly certification and re-certification of persons who sought W. P. A. employment. However, because a great deal of local cooperation was given by notaries in districts the intense need was not apparent for the establishing of a notary in each district.

In checking, I find that in three out of the ten districts there has been at times a little slow-up in W. P. A. certifications due to lack of proper notary service. I have, however, instructed the districts to notify me immediately in the event of such recurrence, at which time I shall dispatch a person assigned at 43 Hawkins street who has notary rights to help relieve the congestion.

I trust that this way of handling the problem in point will be satisfactory to the honorable members of the City Council.

Respectfully yours,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

#### USE OF SCHOOLHOUSE HALLS AND PLAYGROUNDS.

The following was received:

City of Boston,  
Office of the Mayor, October 2, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from Miss Ellen M. Cronin, Secretary of the School Committee of the City of Boston, relative to your order of August 7, 1939, concerning the advisability of working out a schedule so that the halls of schoolhouses and the play yards of the same shall be more open to the public.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, September 28, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council on August 7, 1939, an order was passed requesting the Committee, through your Honor, to consider the advisability of working out a schedule so that the halls of schoolhouses and the play yards of the same shall be more open to the public.

The School Committee respectfully reports that playground supervision was supplied this summer by the School Department in more than one hundred school yards and on corners of Park Department playgrounds—to about the same extent as in previous recent years.

Because of the desire of the Committee to provide additional opportunities for play for children, some twenty school yards were made available for play by turning over the keys to the local police station with the request that such yards be kept open from approximately five o'clock until dark, under the general supervision of the police. In this the Police Department cooperated, and as far as the Committee is aware, the arrangement worked out satisfactorily and without serious criticism from occupants of property in the vicinities.

The Committee this year undertook the further experiment of providing a small hole or "tots' entrance" in the fence around a school yard, the opening being sufficiently low to discourage older or grown-up children from getting in. This low "tots' entrance" is left permanently open with no gate. From the experiment tried this year, it appears that the Committee may extend this device to other school play yards.

In addition to these facilities, the School Committee during the summer—in cooperation with the Traffic Commission—set apart approximately nineteen streets as play streets at certain hours—with traffic banned. In cases where neighborhood clubs have supplied supervision, the programs have worked out well. In other cases, the results have not been so satisfactory.

The Committee is considering keeping several of the junior high school gymnasias open at the end of the afternoon up till approximately five-thirty. Final approval of this plan awaits the realization of adequate money in the budget.

The above items of recreational expansion do not make mention of the placing of certain high school gymnasias at the service of the Junior Police, as was done last year and as is planned again for certain weekday nights this year.

A motion in the Committee to keep further high school gymnasias open at night for basketball and other sports has been tabled on account of stringency in the budget and the considerable cost involved.

If your Honor has any definite suggestions to offer along these lines, the Committee will, of course, be very glad to receive them.

Respectfully yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

##### Claims.

Margaret L. Carolan, for compensation for loss of two weeks' vacation as employee of Park Department.

Christus A. Pattajo, for compensation for damage to property at 84 Carter street, caused by water leaking into cellar.

Thomas H. Maguire, for compensation for damage to car by Ladder Truck 23.

Frank J. Previte, for compensation for damage to car by city team.

Rose Strano, for compensation for loss of clothing at City Hospital.

Mary L. O. Stroud, for compensation for injuries caused by an alleged defect at 305 Second street.

Mary Sweeney, for compensation for injuries caused by an alleged defect at 239 Webster street.

Catherine Walker, for compensation for injuries caused by an alleged defect in Faneuil Hall.

#### Executive.

Petition of Anne R. Hart, to be paid annuity on account of death of her husband, William Hart, late member of Fire Department.

Petition of Mary I. Tracy, to be paid annuity on account of death of her husband, James E. Tracy, late member of Fire Department.

#### Committee on Ordinances.

Petition of New England Trust Company for driveway opening at 517, 519 and 523 Atlantic avenue, Ward 3.

### DECISION ON GAS RATES.

Coun. TAYLOR offered the following:

Ordered, That the City Council request his Excellency Governor Leverett Saltonstall to confer with the Public Utilities Commissioners for the purpose of compelling them to rescind their recent decision to increase gas rates to the smaller consumer.

Coun. TAYLOR—Mr. President, we have all learned recently of the action of the Public Utilities Commissioners in increasing the rates to the small consumers of gas in Boston and the various cities. Although we were all horrified to learn of it, we were not altogether surprised. It is very apparent that the actions of the Public Utilities Commissioners recently have been not for the interests of the common people but for the controlling and wealthy interests of the large corporations and those that they represent. This action by the Public Utilities Commission should bring some action on your part, Mr. Governor. You are the one who is responsible and the one who has control over this particular department. You are the one that appoints it, and you are the one that discharges it. You are the one, Mr. Governor, who should confer with this Board and compel them to reconsider their decision to increase the gas rates of those people who are least able to afford it. We all know that conditions are such now that the average home breadwinner has not got sufficient to take care of the bare necessities of life, and that this added burden, together with the added burden of the increased prices on foods because of the war, is going to make life more miserable for them. Mr. Governor, during the last campaign there were statements made by your opponent that in the event that this present administration was elected it would be for the benefit of those interests adverse to the common people, and I am convinced by the action of the Public Utilities Commission during the past few months that we have to believe these claims as alleged by those who opposed you. Every action of that particular department has been for the large corporations. Only recently when members of the City Council refused to give a large corporation—the Eastern Massachusetts Railway Company—a license to operate through the congested areas of Boston, although the people of those districts were strongly against it, nevertheless, this Department of Public Utilities overrode all the public sentiment regarding it and gave them this particular permit. Every action on their part has indicated that they do not give a "hoot" for the small home owner or for the man earning a small salary, but only desire to help those who need no help. You are the Governor of this Commonwealth. You can confer with this Board and make them take some action—which perhaps we will have the right to do before the Supreme Court—not for the best interests of these large and wealthy corporations who are making money, for no other city in the state has increased its rates, and there is no reason why this one should. You should do something to protect those who need your assistance, the poor and the common people of the Commonwealth of Massachusetts.

Coun. ROSENBERG—Mr. President, undoubtedly the action of the Board of Public Utilities will eventually bring about, in my opinion, the establishment of municipal power plants and programs set up, the same as have been set up in certain of the southern states of this country, taking from private industry the public utilities that now are in their hands. I think that the Public Utilities Commission of Massachusetts has acted unwisely at the present time in giving the gas company the right to increase their rates, particularly during times when the people who are going to be affected are the poor, home-loving people, the people who are trying to make an honest living, where thousands upon thousands have been thrust upon the welfare rolls. I hope that the order which has been introduced by the councilor may bring about some action on the part of the Governor in being able to do something with the Board of Public Utilities. I have at this time a resolution to offer which probably will run in conjunction with the order that has been presented, and I think that, although we are condemning the acts of the Board of Public Utilities, the members of the Boston City Council and the citizens of Boston, particularly the poor families and the home-owning people, ought to be thankful that at least one member of the Board of Public Utilities—Abraham Webber—stood out as the sole member opposing the increase in the gas rates. He has the interest, I feel, of the citizens, of the home owners, at heart. He knows what it is to increase the cost of living. I therefore at this time will offer a resolution praising the acts of Abraham Webber, a member of that commission.

The question came on the suspension of the rule and the passage of the order of Coun. Taylor.

Coun. WILSON—May I have the order read? I heard the remarks concerning the chief executive, who I was not aware was a member of the Public Utilities Commission, and it confused me a little as to what we are voting on.

The order of Coun. Taylor was read, and the order was passed, under suspension of the rule.

### THANKS TO COMMISSIONER WEBBER.

Coun. ROSENBERG offered the following:

Resolved, That the City Council of Boston, in meeting assembled, hereby tenders to Abraham C. Webber, member of the Public Utilities Commission, its sincere and unalloyed gratitude for his courage and intelligence in voting, in single opposition, against the decree of the Public Utilities Commission authorizing an increase in the rate of gas.

Passed under suspension of the rule.

### GRANDSTAND, NORFOLK STREET PLAYGROUND.

Coun. ROSENBERG offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to sponsor a W. P. A. project for the erection of a grandstand.

Coun. ROSENBERG—Mr. President, the playground at Norfolk street is one of the great athletic fields in the Dorchester district, and the thousands of athletes who are coming to that playground really need the facilities of a grandstand or bleachers. I hope that as the result of this order some program may be devised for a W. P. A. project for the erection of such a grandstand or bleachers on those fields.

The order was passed under suspension of the rule.

### SIDEWALK, McBRIDE STREET, WARD 11.

Coun. ENGLERT offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along McBride street, both sides, South street to Washington street, Ward 11, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

## DECISION ON GAS RATES.

Coun. ENGLERT offered the following:

Ordered, That his Honor the Mayor be requested to proceed immediately with every means at his command in opposition to the surprising decision of the Massachusetts Public Utilities Commission, which recently authorized the Boston Consolidated Gas Company to increase its rates on poor people to an extraordinary and alarming degree.

Coun. ENGLERT—Mr. President, in introducing this order, I am sure that the members of this Council will vote in favor of it, in protest against the decision which was recently rendered by the Public Utilities Commission. I believe that every member of the Council here feels as though the people of Boston did not get the consideration that they should have gotten, because of the fact that the hearings were held at a time when nobody knew anything about them, and I believe that if the members of this Council had known about the hearings they would have been only too glad to go before the Public Utilities Commission to oppose the increase in gas rates.

The order was passed under suspension of the rule.

## WARD 15 IMPROVEMENTS.

Coun. KELLY offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to resurface with smooth pavement Stonehurst street, Ward 15, under the present W. P. A. plan of construction.

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to install a street light at the corner of Fox and Percival streets, Ward 15.

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to resurface with smooth pavement Norton street, Ward 15, under the W. P. A. plan of construction.

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to resurface with smooth pavement Speedwell street, Ward 15, under the W. P. A. plan of construction.

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to resurface with smooth pavement Longfellow street, Ward 15, under the present W. P. A. plan of construction.

Severally passed under suspension of the rule.

## REPAIRS TO STREETS BY PUBLIC UTILITIES.

Coun. SULLIVAN offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to institute proceedings to collect on bonds filed by public utilities companies when they fail to make suitable repairs to Boston streets which were dug up for the installation or repair of their pipes or wires.

Coun. SULLIVAN—Mr. President, I am motivated to introduce this order today because of a sense of real indignation at the action of the Board of Public Utilities in seeming collusion with the officials of the Boston Consolidated Gas Company. I am in hearty accord with the orders introduced by both Councilors Rosenberg and Taylor relative to the situation that has arisen, and I feel that so far as the Board of Public Utilities is concerned, especially because of the order of Councilor Taylor, something may be done relative to that Board. I feel, however, that the people of Boston have been militated against by the public utility companies as far as the condition of the local highways is concerned. Everywhere we go throughout this state we see streets torn up and not repaired for months, and when finally repaired, they generally are in such condition, such

inferior condition, that the status of the street is never the same as before the public utilities entered into it. I believe that as a result of the action of this company, it certainly is no longer entitled to the normal credit that the city might ordinarily give to a normal business enterprise. I feel that they should be penalized in every possible legal way, and I believe that the city should avail itself of its legal rights in this matter and immediately collect for the work that the city must normally do because of the failure of the gas company and light company to repair the streets when they enter upon them.

The order was referred to the Executive Committee.

## POSTING OF LAWS RE ILLEGAL VOTING.

Coun. WILSON offered the following:

Ordered, That the Board of Election Commissioners be requested, through his Honor the Mayor, to have printed and posted conspicuously outside each voting place in the City of Boston a copy of General Laws, chapter 56, section 33, as amended by chapter 299 of the Acts of 1939.

Coun. WILSON—Mr. President, I offer that order in all seriousness, bearing in mind that the average voting place has conspicuously displayed such unimportant signs as "No Smoking," "No Loitering," and so forth. I bear in mind that the Legislature which has just adjourned, in chapter 299, made very specific the penalties involved in illegal voting in the various cities and towns in the state, and I personally feel very strongly that, especially in an off-year, when the vote will be particularly light, it would be no great expense and would have a proper effect on the voters of the city if there should be affixed conspicuously in front of each polling place in the City of Boston this reminder of a matter which seemed of great importance to the Massachusetts Legislature of the current year. I urge that it be done this year, bearing in mind that it is an off-year. I am well aware of the fact that those who walk about with their heads in the clouds and their eyes closed probably would argue that there is no repeating in the City of Boston, that there is no illegal voting on the names of persons who have either died or moved, but any one who is over twenty-one years of age and who has been through the mill of politics realizes its prevalence in various wards of the city, if not in all of the wards of the city, especially in an off-year, in the closing two or three hours of the polling day. In various precincts of the city the workers at the polling place, knowing that it will be a light vote and realizing that in the closing two or three hours the average woman, perhaps, or the average elderly man who has not voted all day long won't vote, take that chance and vote on his name, turning the course of an election. I personally feel that this probably is easier to be done in an off-year with a very light vote than it would be in the confusion of a mayoralty year with a very heavy vote, for the reason that it might be feared that the voter might be in the precinct voting place or might already have voted. And so I urge that it is not only an inexpensive but a very proper and reasonable thing to do, that the Election Department post conspicuously at each of the voting precincts in the City of Boston a copy of this section of the act.

The order was passed under suspension of the rule.

## NAMING OF FATHER JOHN B. DEVALLES SQUARE.

Coun. HUTCHINSON offered the following:

Ordered, That the space at the junction of Pleasant and Stoughton streets, Ward 13, be named Father John B. DeValles square, in honor of said Father DeValles, who died as a result of wounds received during the World War and who was awarded the Distinguished Service Cross by this country in recognition of the heroic services which he rendered as an army chaplain, and that suitable signs be erected designating this square.

Passed under suspension of the rule.

## SIDEWALK ON PERKINS STREET.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Perkins street, Ward 19 side, Ward 19, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of tar, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

## HOURS FOR FERRY TOLLMEN AND GATEMEN.

Coun. IRWIN offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to have the tollmen and gatemen employed in the Ferry Division work forty-four hours instead of the present forty-eight-hour-week.

Coun. IRWIN—Mr. President, I introduce this order because of the fact that these are the only men who work forty-eight hours in the Ferry Division. The laborers, the gatehouse tenders, and all the others, work forty-four hours a week. Up until six years ago the tollmen or gatemen worked the same number of hours, forty-four hours a week. I understand that Division Engineer Sexton said at that time that it was only to be temporary. This seems to be a pure case of discrimination, and I would like to have an explanation of the reason why they work forty-eight and the others forty-four hours.

The order was passed under suspension of the rule.

## HUNTINGTON AVENUE STREET CAR RESERVATION.

Coun. CHASE offered the following:

Ordered, That the Park and Transit Commissioners be requested, through his Honor the Mayor, to sponsor a W. P. A. project whereby the Huntington avenue street car reservation, after completion of the subway, will be replaced with grass-plotted safety islands and that trees be planted at appropriate sections on the said islands.

Coun. CHASE—Mr. President, last week I introduced an order relative to the beautification of Huntington avenue and Columbus avenue by the planting of trees, and today the Council received back an answer to the request from Park Commissioner Long, saying, "We would be very glad to give every consideration to the recommendation of the City Council," and then he goes on further, and it leads me to believe that he doesn't intend to do anything about it. Now, Mr. President, on Huntington avenue, the City of Boston, together with the Federal Government, is spending millions of dollars for the improvement of the avenue. To date, nothing has been said or done relative to the planting of trees or the making of grass plots and safety islands. The Park Commissioner says that the business men in the area will probably complain. Well, I represent that section in this Body, and I know for a fact that that particular area desires some means of protection for the pedestrian on the street. After the completion of the Huntington avenue extension, Huntington avenue will be a speedway, and the mothers and children crossing that avenue merit some sort of protection, and I contend, sir, that one way of providing protection for those people is by the installation of safety islands. I also contend, sir, that that particular section of Boston merits some sort of beautification. We have off Huntington avenue one of the prettiest churches in America,—that is, the Christian Science Church. I know that the people of that church would be more than pleased with any beautification project that Boston might sponsor. And I know, sir, that the people in the streets leading off Huntington avenue desire some sort of a beautification project, and I wish now that the Park Commissioner would positively give some consideration to what this Honorable Body thinks should be done relative to the beautification of one of Boston's main arteries,—and Huntington avenue, sir, upon the completion of the subway, will be one of the most heavily trafficked sections in Boston. I hope the Council passes the order.

The order was passed under suspension of the rule.

## CENTER FOR WELFARE, W. P. A. AND OLD AGE ASSISTANCE ACTIVITIES, WARD 8.

Coun. McMAHON offered the following:

Ordered, That his Honor the Mayor direct the Bureau of Overseers of Public Welfare to make alterations and repairs to the William Eustis School, George street, Roxbury (to wit, second and third floors), for the purpose of creating a center for all welfare, W. P. A. and Old Age Assistance activities for persons residing in Ward 8, Roxbury, which are now handled at the following branches: Hancock street, Dorchester; Glenway Branch, Franklin Park; Whittier Branch, Roxbury; Concord Street Branch, South End.

Further Ordered, That his Honor the Mayor direct the Bureau of Overseers of Public Welfare to transfer to the George Street Branch immediately upon completion of necessary alterations and repairs, supervisors, clerks and visitors now assigned to the above-mentioned branches and engaged in Welfare, W. P. A. and Old Age Assistance activities pertaining to persons residing in Ward 8.

Coun. McMAHON—Mr. President, this is a rather reasonable request, I think, when you take into consideration the fact that now people in my ward who are eligible for old age assistance, all of whom must be over sixty-five years of age to qualify, are compelled to go to the Glenway street office, which is in the Dorchester section of the City of Boston, way out near Franklin Park. It simply means that any person applying for old age assistance in my ward finds it necessary to travel over three miles. I know that most of the people who are applying for old age assistance have not the carfare to get out into the Franklin Park section of Dorchester, which means that they have to walk out there. Now, in other cases, if they want welfare, they have to go to the Glover's Corner section of Dorchester. Or they have to go to the Roxbury Crossing section of Roxbury. And in any event, whether they want W. P. A., whether they want welfare, or whether they want old age assistance, it is absolutely essential that they travel two or three miles before they reach the proper bureau to get the relief which they need. I think, in view of the fact that the Director of Public Welfare has just opened up the George street school in Roxbury for a commodity section, that building is big enough to house all of the W. P. A., welfare and old age assistance activities, and I doubt very much if it would probably cost more than \$2,000 to put that structure into shape. I certainly hope that this order passes.

The order was passed under suspension of the rule.

## FUNDING OF OVERLAY DEFICITS.

The Chair called up No. 3 on the calendar, viz.:  
3. Ordered, That under the provisions of section 1 of chapter 235 of the Acts of 1938, the sum of \$1,000,000 be, and the same hereby is, appropriated, to be used for the funding of overlay deficits and other items, and that the City Treasurer be authorized to issue, from time to time, upon request of the Mayor, bonds or certificates of indebtedness of the city to said amount.

On September 18, 1939, the foregoing order was read once and passed, yeas 19, nays 0.

The order was given its second reading and passage, yeas 19, nays 0.

## TRANSFER FROM FIRE TO LIBRARY DEPARTMENT.

The Chair called up No. 4 on the calendar, viz.:  
4. Ordered, That under authority of chapter 261 of the Acts of 1893, the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Election Department, H, Relief Projects, \$2,000; Fire Department, H, Relief Projects, \$2,000, to the appropriation for Library Department, H, Relief Projects, \$4,000.

On September 18, 1939, the foregoing order was read once and passed, yeas 19, nays 0.

The clerk called the roll, and passed 19 to 0.

The order was given its second and final reading, yeas 19, nays 0.

## RECESS.

On motion of Coun. IRWIN the Council voted to take a recess at 3.15. The members reassembled in the Council Chamber and were called to order by Coun. FITZGERALD at 5.10 p. m.

## EXECUTIVE COMMITTEE REPORTS.

1. Report on message of Mayor and orders (referred today) for transfers within departmental appropriations—that same ought to pass, except one transfer of \$3,000 in the Hospital Department and transfer for Suffolk County Court House, moving expenses.

Report accepted; orders passed, yeas 18, nays 0.

2. Report on message of Mayor and order (referred today) appropriating \$500 for erection of tablet to memory of officers and men of the Old Ninth Regiment, Massachusetts Volunteer Militia,—that same ought to pass.

Report accepted; order passed, yeas 18, nays 0.

3. Report on message of Mayor and order for loan of \$150,000 for W. P. A. projects in Paving Division—that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. SHATTUCK—Mr. President, I move that the order be referred to the Finance Committee. Since the meeting of the Executive Committee I have learned that, after all, this order can be passed with one week's interval. In other words, if reference is made to the Finance Committee, and if the Finance Committee reports on Monday next—which I can give assurance would be done—the first reading will be had on Monday next and the final reading on the following Monday, which is two weeks from today. Commissioner Hyland, whom we have just heard, said he could wait two weeks. He said no man would be laid off by waiting two weeks. The Mayor's order is dated October 2, which is today—the very day it was brought to this Body. The Mayor's letter, communicating this order, makes no statement of any emergency. He doesn't ask immediate consideration. He puts it in a routine way, as he would put in any other order, and he would naturally expect it to be referred to the Finance Committee, and he would naturally expect the Finance Committee to inquire fully into the necessity of the order and into how much money for paving has been spent to date, and the appropriations and transfers already made aggregating about \$400,000 and how it is proposed to spend this additional \$150,000, and, in general, what the program is, and the necessity for the program, and, I think also important,—what the horrowing program is for the balance of the year, how many more loan orders we are going to get, and what for, because this is an unexpected order, certainly. We have heard that there will be an additional order for welfare of about a million dollars, and I think it was supposed, when the tax rate was fixed, that that would be met by an additional borrowing for the balance of the year. I believe that we ought to know, however, what the program is. As I said at the beginning, evidently it will not unduly delay the matter. It will enable the order, if approved by the Council, to be finally passed two weeks from today, and that is a date within which the commissioner says he can carry on and that no man will be discharged. I therefore move reference to the Finance Committee.

Coun. LANGAN—Mr. President, I believe that I am as much interested in the economy of this city as any other individual, and I respect the opinion of the councilor from the Back Bay, but we have thoroughly discussed in executive session the reasons for this new loan order. While it may be true that the Public Works Commissioner said that he could stagger on, I am too well acquainted personally with the suffering that results through a great number of people being laid off even for a temporary period, and I for one, while I am thoroughly in accord with the principles of economy, do not feel for one instant that we should give consideration to a measure that may result in the laying off of any number of individuals on the W. P. A. The Public Works Commissioner at the conference which we just had in executive session, said he could stagger along. I am not willing to have the Public Works Commissioner stagger along if it is going to result in people being thrown out of work. In my opinion he thoroughly explained the reason why it was necessary for him to have an additional \$150,000. There is no

reason why, under true principles of economy, by which we should scrutinize everything that comes before us which will come out of the taxpayers—why, under that sound principle of economy, this should not be passed on by the Finance Committee and reported back here next week and if, during that time, as a result of the investigation they find that there is something that should not be passed, we can throw the whole thing out, but until such time as it is shown—contrary to what has been explained by the Public Works Commissioner and the Budget Commissioner—that this is not a proper order, I feel that it should be passed today for its first reading.

Coun. TAYLOR—While it is true, Mr. President, that there might have been laxity upon the part of certain officials or there might have been inadvertence upon their part, or other circumstances over which they had no control, in getting this order before the Council at this late day, nevertheless, I wanted to warn the members of this Council that to reject this loan order today will be dynamite. While the Public Works Commissioner has stated that they can probably stagger along, I for one, as a member of this Council, am not going to assume any responsibility for the firing of one individual from the W. P. A., because if that situation ever exists, the recipients can blame the members of the City Council for not acting upon this order. And I need not mention that if we are responsible for it, it will go very far towards the defeat of any one of the councilors at the next election. The Public Works Commissioner has explained to us and to my satisfaction, at least, that they need money, and that in the event they do not get the money they will have to work without efficiency, and that, in my opinion, is not good economy. We thoroughly discussed it in the executive session, and there was nothing there that we could mention that would help us one way or the other to have any reason whatsoever to refrain from voting on this order today. Any amendment is only delay, and doubtless is going to cause trouble. If, as the result of our inability or unwillingness to pass this loan order, some of the W. P. A. workers are forced on to welfare, the Public Works Commissioner has explained that it costs the City of Boston \$8 per month for every man working on the W. P. A. in his department, but if he is thrown off the W. P. A. and has to go on to welfare, that is going to cost the City of Boston at least \$50 a month, and in my opinion that is not good economy. I believe, as Councilor Langan suggests, if there is any suspicion that this money is not being borrowed for legitimate purposes, then I say the Finance Committee has a week in which to do all their investigating, during which time they may not find anything that they seek, and then they can submit to us the results of their investigation at the next meeting and at that time, if we are convinced that there is something wrong, there is nothing which can deter us from turning down the order. I say we ought to pass the order today.

Coun. CAREY—Mr. President, the time of the year is getting late and at best there will not be over six or seven weeks more during which streets can be opened for either new construction or for resurfacing. At that time certain cut-downs will of necessity perhaps have to be made in street program quotas. If we delay or stand in the way to any extent, whether of the program which is now in progress or in the opening of new streets, the failure would be harmful not only to each and every member of this Council, but to the city as a whole, with the long winter that is coming, when we should have our streets in the best condition possible. We have had since July 1 cut-downs made by the W. P. A. for various reasons, the quota reduction, because of funds running out on this or that project, or for eighteen months continuous service, and each and every member of this Body knows that we have been flooded by abuse from people who have been forced to be laid off because of these various reductions. We do not want to see any further reductions at this time; we cannot stand it. I do not see any sense in quibbling over \$150,000. I think this order should be given its first reading today in order to avoid, as Councilor Taylor has said, an increase of, say, \$50 a month on our welfare rolls for a great number of those who will be laid off. That would certainly be false economy. I think this economy calls upon us to pass this order today, and that there should be no delay so far as the first reading is concerned. If reference is to be



made to the Finance Committee, that can also be done. I therefore hope that this matter can be given its first reading at this session.

Coun. WILSON—Mr. President, I am sorry to observe that any vote of this Council, particularly on a loan order, and most especially on a loan order the proceeds of which are to be used for any current expenses, results in any run for cover or any undue nervousness on the part of members of the Council merely because there is an election next month. I hate to feel that the Council would vote on any loan order in a state of election day jitters. When this particular loan order came into the Council today, the Mayor, for whom I personally have the highest regard, made no suggestion in his message to the Council that there was any particular emergency. It came through in due course, without undue comment, and without urging upon those who are on the eve of an election that this loan order should be acted upon today. In the usual course it would, of course, be referred to what was once known as the Committee on Finance, that committee which in the old days was the committee in the Council which was supposed to go into every loan order for every purpose that came before this Body. And so I say there was no urgent request on the part of the Mayor that this was in any way an emergency. I was very much disillusioned, incident to the hearings in the Executive Committee, because I sat there and I heard the advice of the Budget Commissioner and the advice of the Public Works Commissioner, at a time when they apparently were under the impression that this particular order would require only one week, or at a time when they were apparently under the impression that under the statute this loan order did not need two readings fourteen days apart, we were given the old, old weeping story that we used to bear about in the old days under other administrations under which I have served that, "If this is not passed, hundreds, yea, thousands of men will be begging for bread on the streets of Boston." Now, there was no such intimation in the letter of the Mayor, and I couldn't believe that there exists any such emergency, even if some of the gentlemen renting equipment to the city—whether their trucks or steam shovels—did get in heat for fear that they will not get more trucks on before the season is over. And so, as I say, they told us that if the loan order was not given its reading today, men would be crying for bread tomorrow, and I was amazed at the apparent impression that any such dribble made on men over twenty-one years of age, in a legislative body in this enlightened day and age. And then it came out that this loan order could not really have a final reading until two weeks from today, and then those who were advising the Council in the Executive Committee discovered that after all, even after two weeks, men would not be crying for bread tomorrow. That to me, Mr. President, was about as disgusting an exhibition of trying to put over a vote before a nervous committee of the Council as I ever sat in on. Well, now, what are the facts? In 1938, we are informed, the city spent \$441,000, with an average of 4,736 men at work, W. P. A. men, completing thirty-eight miles of street; and this year so far, as against \$441,000, we have already spent \$425,000, with an average of only 4,261 men at work, or about 500, or about ten per cent, less than there was a year ago, which, of course, coincides with what we have read in the newspapers, that there has been approximately a ten per cent layoff on W. P. A. help. During that time so far this year we have done thirty-four miles of streets, as against thirty-eight miles of streets during the whole of last year. In other words, with nine-tenths as many men working this year as last, with this loan order it will bring this year's W. P. A. material expense to within \$53,000 of all that was spent last year with ten per cent more men at work. Now, some of my colleagues here in the Council may suggest, "Well, what would be gained by delaying this loan order," or, as I am going to suggest, a part of this loan order, for later action? And I say this, and I say it seriously, although it seems almost primary school to even state it—the only reason for delaying is the one reason that the Council is supposed to look into any loan order that comes in here. Let us have this right on the record. There has been no breakdown of this \$150,000 by anybody, either by the Budget Commissioner or by the Commissioner of Public Works. How much of the money is going to be used for material,

macadam, and so forth? How much of it is going to be used for trucks? How much of it is going to be used for machinery? What is the breakdown? How many new streets are going to be done? How many old streets are going to be reconstructed? Just how much of the \$150,000 during the two months of the year remaining is really going to be needed? As Councilor Shattuck well pointed out, before we vote on \$150,000 for this purpose, are there any more loan orders for current bills coming in before November 15, or before the close of the year? In other words, we are entitled to a breakdown of the item. I don't think that the Public Works Department needs \$150,000 to finish the work, I don't believe that they need it. I don't believe either the Budget Commissioner or the Commissioner of Public Works can break down that figure until we give them a couple of days to do it. We had them before the Executive Committee on this so-called emergency matter, which even the Mayor did not know was an emergency, and they could not break down the figure or give us any information whatever about it. Then the members of the Council say, "Well, because a department head of the City of Boston comes in and says that he needs \$150,000, we ought to have enough faith in him to vote it." I was amazed to hear that statement, Mr. President. I don't know why we have a City Council in the City of Boston if, just because a message comes from the Mayor's office, from some department head who has not even figures available when we ask him to come into the Executive Committee, because he writes his name on a piece of paper, this Body should pass it without having him break down his figure. I can't remember, Mr. President, any meeting of the Council in recent years when I have been so disillusioned as I was at hearing that discussion in the Executive Committee today. And so I am going to move to amend this loan order to read \$75,000 instead of \$150,000. And I am conservative—perhaps I can't figure clearly, but in my opinion that breakdown knocks the feet out from under this argument that if we do not pass this loan order men will be walking the streets, because that to my mind, of course, answers itself. If we give the first reading today to a \$75,000 loan order which would be given a second reading two weeks from today, that will more than adequately cover 4,261 men for a period of at least a month, bearing in mind that the particular money is not for wages but is for materials, and that the money for wages comes from the Government in any event. Then after the Committee on Finance has had the Public Works Commissioner break down this \$150,000, and after we have been advised whether any more loan orders are coming through for current bills this year, then the Council in its wisdom—if there is any wisdom left in this Body—can vote an additional \$25,000, or an additional \$50,000 or an additional \$75,000 and end up at least with a clear conscience that they have looked into the figures and given the taxpayers of Boston the break that they felt should be given them when they sent us here to look after their business. So I am pressing that motion to amend this order to read \$75,000. With that amendment I will vote for it today and I will vote for it two weeks from today, and there will not be a single man begging for bread today, two weeks from today or two months from today, and I don't believe that there is any reasonably honest individual in this room who can argue that that is not a fair proposition.

Coun. TAYLOR—May I ask a question?

Coun. WILSON—Yes, sir.

Chairman FITZGERALD—The councilor consents to answer.

Coun. TAYLOR—You told the members of the Council the actual figures in reference to the mileage of the streets. Did you also get the figures of how many square yards were done last year and done this year?

Coun. WILSON—I got some of the yardage, yes, Councilor Taylor, but the mileage is much more simple and easier to state.

Coun. TAYLOR—When you do streets you do them by the yard. Some of them may be small, some narrow, and some wide. Could you give us the figures of the yardage which you obtained from the Commissioner of Public Works?

Coun. WILSON—I can't give you the yardage, councilor, although I will frankly admit I learned that with nine-tenths as many men as worked last year, for some strange reason we were able to do

many more miles of streets, which makes me wonder what was rotten in Denmark with the W. P. A. last year.

Coun. TAYLOR—As a matter of fact, Councilor, there was twice as much yardage done this year as there was done last year, in accordance with the Public Works Commissioner's statement—isn't that so?

Coun. WILSON—Take the Public Works Commissioner's best statement for what it is worth. He was so hazy on those figures that I discounted most of them.

Coun. TAYLOR—One more question, Councilor. Is there anything that the Finance Committee can do this week to find out whether or not this \$150,000 is going to be spent for legitimate purposes that they can't do later?

Coun. WILSON—I would be glad to answer that question, and I think that I am more fair to the W. P. A. workman than you are, for this reason: The proposal now is that we give the first reading to a \$150,000 loan order today, and that we then let the Finance Committee look into the question, and if they think \$150,000 should be cut to a lower figure you would have thrown back your whole vote for at least as week. I propose that we pass \$75,000 today and give it its second reading two weeks from today. No matter what the Finance Committee does, you assure the W. P. A. workers of Boston enough to keep them at work for a month.

Coun. TAYLOR—Then if you found out there was anything wrong in your investigation during the week you would not pass the thing, would you?

Coun. WILSON—I would vote for the \$75,000, because I have sufficient assurance that the Mayor of Boston would not send through a loan order unless some money was desired, but I am of the belief that he having been absent from the city to get that splendid convention here next year, this matter probably just came to his desk, and I doubt if the Mayor of Boston knows whether the whole \$150,000 is necessary.

The question came on Coun. Shattuck's motion to refer the order to the Committee on Finance.

The motion was declared carried. Coun. TAYLOR doubted the vote and asked for the yeas and nays. The roll was called, and the motion was lost, yeas 4, nays 13:

Yeas—Coun. Fitzgerald, Irwin, Kerrigan, Shattuck—4.

Nays—Coun. Carey, Englert, Fish, Galvin, Hutchinson, Kelly, Lanagan, Lyons, McMahon, Rosenberg, Sullivan, Taylor, Wilson—13.

The question came on Coun. Wilson's motion to reduce the amount of the loan to \$75,000.

Coun. KERRIGAN—Mr. President, I am going to vote for Councilor Wilson's motion to reduce this item to \$75,000. Commissioner Hyland stated in the Executive Committee meeting that he did not receive enough money. He stated that the \$150,000, in his opinion, was not enough to carry on the work efficiently. Now, what I am interested in is in keeping the men at work, just like every member of this Body is. If the money that is being appropriated here today is to be used for steam engines and steam shovels, and all that sort of thing, then I am against it. I would like to see efficiency on the W. P. A. but efficiency comes from the amount of hand work. The purpose of this W. P. A. is not to hire a lot of trucks, not to hire a lot of steam engines or shovels, but it is to put men to work. The conditions are just as acute today as they were a year or two years ago, yet today in the Public Works Department we have less men working on our streets. What is the reason? We do not want those equipments to be used in the streets. We can get efficiency from contractors. Now, if we are going to use the W. P. A. to get materials and to put machines to work, then we should not accept any money for the W. P. A. There won't be one man laid off by the W. P. A. The Government pays those expenses, and the Government is doing the right thing. But yet in the City of Boston, with our welfare load higher than it ever was, we have less workmen on W. P. A. and I cannot understand such a situation. I heartily agree with the councilor from Dorchester that we cut this appropriation to \$75,000. Your Public Works Commissioner has stated that he can go along for two weeks without any layoffs. But he stated before the Executive Committee that, in his opinion, the \$150,000 was not enough. Well, if that is so, why not wait for one week to get a breakdown of these figures? We should know how much

money he is going to spend for materials, for steam shovels, and that sort of thing. Of course, more streets might be fixed with the use of machinery, but that is not the purpose of the W. P. A. The purpose of the W. P. A. is to put men to work. So for that reason I hope that every member will agree on the \$75,000. There is no haste. The councilor from Dorchester has always been in here pleading the poor man's cause. He doesn't want to tie up the W. P. A. any more than any one in this Body. In my opinion, if Commissioner Hyland states he has not got enough money, then we should certainly give it to him because conditions are not getting any better.

Coun. WILSON—Mr. President, a point of information. Can any member of the Council enlighten the Body as to what proportion of the \$150,000 is for trucks, for example?

Chairman FITZGERALD—I think that is a pertinent question.

Coun. HUTCHINSON—We know as a fact, to have men work in the W. P. A. the Government requires that the city spend so much money for materials. If the Government finds the city is not spending their money or is not appropriating enough money for materials, they are not going to give us the money to pay the men on W. P. A. If we do not have the materials the men will be taken off. So that I am voting for the money for the materials so that the men will be kept at work on the W. P. A.

Coun. WILSON—Mr. President, there seems to be a little confusion here. The gentleman has not answered my question. He talks about having this money for materials. I wonder if he could enlighten us as to what part of the \$150,000 is really for materials and what percentage of it is for trucks and steam shovels.

Coun. TAYLOR—Why don't you apply to the Public Works Commissioner?

Coun. WILSON—I did, and he would not tell us.

Coun. LYONS—Mr. President, I can answer his questions as well as the Public Works Commissioner. He could not tell you, and no one can. No one can tell you until the bills are paid. Now, in order to have the streets constructed we have to have trucks in the streets to take the dirt away. We have the taxpayer to contend with. We will put the people to work if the money is appropriated. Furthermore, I am speaking in behalf of my ward, and I have streets opened up in the section between resurfacing and new construction, and I am not going to see W. P. A. fellows sitting on people's lawns and doorsteps waiting for the City of Boston to appropriate money so that it will enable the City of Boston to match the Government money with materials. I want to see action. I am in favor of the \$150,000 going through today, and we can find out later who is getting the trucks or who is not getting the trucks.

The roll was called, and the motion was lost, yeas 6, nays 11.

Yeas—Coun. Fitzgerald, Irwin, Kerrigan, Rosenberg, Shattuck, Wilson—6.

Nays—Coun. Carey, Englert, Fish, Galvin, Hutchinson, Kelly, Lanagan, Lyons, McMahon, Sullivan, Taylor—11.

The question came on giving the loan order for \$150,000 as submitted by the Mayor its first reading and passage.

Coun. CAREY—Mr. President, I think that the suggestion by the councilor from Ward 17 is an ideal one,—in fact, on every loan order that is before the Council from now on I am going to suggest that we have itemized details come in, so far as possible, as to how much money is going for steam shovels, how much money is going for trucks, how much money is going for hand labor, and so on. I don't think it is necessary here today, at this time, however, to hold up a matter of this kind due to the reason that even though the Mayor did not state that it was an emergency, we did, upon our own request, hear from the Budget Commissioner and from the Commissioner of Public Works. Because we pass this order for \$150,000 does not mean that \$150,000 has got to be spent. What we have got to do here in this Body is to do everything within our power to keep the greatest number of men at work and the smallest number of people on the welfare.

Coun. WILSON—Mr. President, this is quite a lot of money, and I raise this suggestion, that I am interested in putting the largest possible number of men at work, and that is why I wanted to see these figures sort of broken down, because the suspicion occurs to my perhaps suspicious mind

that the reason we have constructed twice as much yardage this year as we did last year with about the same amount of money and ten per cent less men is because there have been a great many steam shovels and trucks and machinery used and not enough men, and the only way to put more laborers on the streets and less machinery and follow the true purposes of the W. P. A. is to force the breaking down of these figures. I think that is the answer to the question as to why we have been able to construct twice as much yardage this year as we did a year ago with 500 average less men.

Coun. SULLIVAN—Mr. President, I think a few of my colleagues in the Council are working under a difficulty here. They seem to say that machines have been used to displace men. As a matter of fact, there was a 14 per cent reduction on W. P. A. in Massachusetts during the past year, and on the Public Works there was less than a 9 per cent reduction. The machines quite obviously were not used to put men out of work on W. P. A. on Boston streets, rather they were used to supplement the men which the W. P. A. would give the Public Works Department, in order that we might have improved and better streets in Boston. A vote for such an order is a vote for a better Boston, and a vote to delay it is a vote to delay improvements on our Boston streets. The Boston taxpayers will consider it a rather vague gift if we tell them that we refuse to accept any gift from the W. P. A., or if we refuse to construct as many streets as possible under this low cost of construction. I think we should get along with this and pass it.

Coun. WILSON—I should like one other statement to be in the record with reference to the Boston taxpayer, about whom we are always solicitous around election day. I do not doubt that the average Boston taxpayer and the average Boston resident will be amazed to hear that on the figures of the Public Works Commissioner, one in every twelve streets in Boston in 1939 had reconstruction work done on it.

Coun. McMAHON—I would like to ask the gentleman from Dorchester whether he knows of the almost half million dollars in 1938 spent for W. P. A. material, whether any of the money was wrongfully spent, or whether any money was spent unlawfully?

Chairman FITZGERALD—Will Councilor Wilson answer that?

Coun. WILSON—Mr. President, that is a large order. I can state that so far as I know, of course, none of the money last year was spent unlawfully or illegally, but I do bear in mind that if we appropriate this \$150,000 we will be within \$53,000 of what we did spend last year lawfully, although we have had an average of 500 less men at work during the year.

The roll was called, and the order was given its first reading and passage, yeas 15, nays 2:

Yeas—Coun. Carey, Englert, Fish, Fitzgerald, Galvin, Hutchinson, Irwin, Kelly, Kerrigan, Langan, Lyons, McMabon, Rosenberg, Sullivan, Wilson—15.

Nays—Coun. Shattuck, Taylor—2.

Coun. SHATTUCK—Mr. President, I now move that the order be referred to the Finance Committee.

Coun. HUTCHINSON—Mr. President, I would like to move an amendment to that motion, that the committee report back at the next meeting.

The amendment was accepted by Coun. Shattuck, and the order was referred to the Committee on Finance.

#### SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of October.

Report accepted; said order passed.

#### REPORT OF COMMITTEE ON JITNEY LICENSES.

Coun. ENGLERT, for the Committee on Jitney Licenses, submitted the following:

1. Report on petition of Modern Bus Lines, Inc. (referred September 25), for license to operate motor vehicles commencing at Boston-Dedham

line at Spring street, thence over Spring street, Centre street, Belgrade avenue and Washington street to the Forest Hills Elevated Station, and return over same route—recommending that license be granted.

Report accepted; leave granted on usual conditions.

2. Report on petition of Boston Elevated Railway Company (referred February 27) for license to operate motor vehicles between junction of Belgrade avenue and Robert street and junction of Weld and Maple streets, West Roxbury, over Belgrade avenue, Robert street, South Walter street, South street, Walter street and Weld street; return over Weld street, Walter street, South street and Robert street—recommending that leave be granted.

Report accepted; leave granted under usual conditions.

#### STATEMENT BY COUNCILOR SHATTUCK.

Coun. SHATTUCK—Mr. President, I ask unanimous consent to make a statement.

There being no objection, Coun. SHATTUCK said:

Mr. President, there will be a meeting of the Finance Committee at two o'clock on Wednesday afternoon in the Executive Committee offices, and the Clerk of Committees will send out notices, but I give informal notice now.

#### HEALTH UNIT, WARD 15.

Coun. KELLY offered the following:

Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to consider the advisability of erecting a Health Unit in the Ward 15 section of Dorchester. Passed under suspension of the rule.

#### RESURFACING OF ELLERY STREET.

Coun. KERRIGAN offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to resurface with smooth paving, Ellery street, Ward 7, from Carnegie street to Boston street, as a W. P. A. project.

Passed under suspension of the rule.

#### RESURFACING OF WEST SIXTH STREET.

Coun. KERRIGAN and MURRAY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface West Sixth street, South Boston, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### APEAL OF GAS DECISION.

Coun. IRWIN and GALVIN offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to immediately proceed to appeal the decision of the Public Utilities Commission, relative to gas rate increase, to the Supreme Court.

Passed under suspension of the rule.

#### ELECTION OF PUBLIC UTILITIES COMMISSIONERS.

Coun. GALVIN and IRWIN offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of sponsoring legislation whereby the Public Utilities Commission will be elected by public vote.

Passed under suspension of the rule.

On motion of Coun. IRWIN the Council voted at 5.57 p. m. to adjourn, to meet on Monday, October 9, 1939, at 2 p. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, October 9, 1939.

Regular meeting of the City Council held in the Council Chamber, City Hall, at 2 p. m., President MURRAY presiding. Absent, Coun. Harris and Wilson.

## APPOINTMENT BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following:

Constable for term of one year, beginning with first day of May, 1939, with authority to serve civil process upon the filing of the necessary bond: James J. McNamee, 26 Burton street, Ward 22.

Laid over a week under the law.

## BUDGET TABLES FOR COMPUTING ALLOWANCES.

The following was received:

City of Boston,  
Office of the Mayor, October 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Welfare Executive Director relative to your order of September 25, 1939, concerning the budget tables now used in computing allowances for families on public welfare.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
October 9, 1939.

Hon. Maurice J. Tohin,  
Mayor of Boston.

Attention of Mr. William T. Doyle.

Dear Sir,—This department has received your communication with inclosed copy of an order from the City Council, dated September 25, 1939, reading as follows:

"Ordered, That his Honor the Mayor be requested to instruct the Director of Public Welfare to investigate and report to the Boston City Council, whether or not the budget tables now used in computing allowances for families on public welfare are reliable in view of recent increases in prices of foodstuffs occasioned by the war situation."

May I state as follows: The Board of Overseers of the Public Welfare has directed me as Secretary and Executive Director of that Board to keep in close touch with commodity prices and to inform them at any time when a sharp increase is noted that might affect buying power.

Respectfully yours,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

## SAFETY ISLAND, WARD 2.

The following was received:

City of Boston,  
Office of the Mayor, October 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of September 25, 1939, concerning the arranging for the construction of a safety island at the junction of Henley, Park and Warren streets, Ward 2.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Boston Traffic Commission,  
October 6, 1939.

Hon. Maurice J. Tohin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated September 25, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to arrange for the construction of a safety island at the junction of Henley, Park and Warren streets, Ward 2."

Studies have been made during the past year of the traffic movements in City square and its approaches. At the suggestion of Councilor Galvin the Charlestown bridges were made one way and by so doing we have been able to clear up two had intersections, namely, Keany square and City square.

In line with this change, we contemplate making Park street and Henley street one way and if this proves to be dangerous to the movement of traffic we will recommend to the Public Works Commissioner that an island be constructed at the intersection of Park street and Henley street which will serve to both channelize vehicular traffic and aid pedestrians crossing through this intersection.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

## BARRING TRUCKS FROM PLEASANT STREET.

The following was received:

City of Boston,  
Office of the Mayor, October 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of September 25, 1939, concerning the barring of trucks from the use of Pleasant street, Ward 13.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Boston Traffic Commission,  
October 6, 1939.

Hon. Maurice J. Tohin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated September 25, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to bar trucks from the use of Pleasant street, Ward 13."

Heavy trucks are excluded from that portion of Pleasant street between East Cottage street and Stoughton street. Stoughton street, which is the continuation of Dudley street, is used by trucks coming from the north going toward the south, being a direct connection from Columbia road to Dorchester avenue. To prohibit heavy trucking from that portion of Pleasant street between Stoughton street and Hancock street would force additional traffic into Columbia road, or Dorchester avenue, both of which already handle a very heavy amount of traffic. I do not believe that we should exclude heavy trucking from the remainder of Pleasant street.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner

Placed on file.

## SIGNAL LIGHTS, HARRISON AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, October 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of September 18, 1939, concerning the installation of traffic signal lights at Harrison avenue and Dudley street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Boston Traffic Commission,  
October 6, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated September 18, 1939, which reads as follows:

“Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install traffic signal lights at Harrison avenue and Dudley street.”

There are no funds available for the installation of automatic traffic signals at the above location.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

#### LEGALITY OF BANK NIGHTS.

The following was received:

City of Boston,  
Office of the Mayor, October 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of September 25, 1939, concerning the furnishing the City Council with an opinion as to the legality of conducting so-called “bank nights” in the theaters of Boston.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Law Department, October 5, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—Under date of September 25, 1939, the City Council passed the following order:

“Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to furnish the City Council with an opinion as to the legality of conducting so-called “bank nights” in the theaters of Boston.”

As the subject matter of the Council's request was fully covered by opinion of the Corporation Counsel dated July 17, 1936, rendered to the then Chief of the Licensing Division, in which opinion I fully concur, I inclose a copy thereof for the information of the City Council.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

City of Boston,  
Law Department, July 17, 1936.  
Herbert L. McNary, Esq., Chief Licensing Division,  
Mayor's Office, Boston.

Dear Mr. McNary,—As I have previously advised you, the Supreme Judicial Court, on July 2, 1936, filed its opinion in the preceding entitled *Commonwealth v. James Wall* (Mass. Adv. Sheets, 1936, 1473). The defendant was the manager of a moving picture theater in Medford, who had been convicted in the Trial Court of violating section 7 of chapter 271 of the General Laws by operating at said theater a plan or scheme known as “bank night.” In the course of its opinion the Court stated:

“We agree with the defendant that the essence of a lottery is a chance for a prize for a price. . . . One may give away his money by chance and if the winner pays no price, there is no lottery. ‘Price’ in this connection means something of value and not the formal or technical consideration which would be sufficient to support a contract. . . . On the other hand, a game does not cease to be a lottery because some, or even many, of the players are admitted to play free, so long as others continue to pay for their chances. . . . So here the test is not whether it was possible to win without paying for admission to the theatre. The test is whether that group who did pay for admission were paying in part for the chance of a prize. The jury could disregard all evidence introduced by the defendant favorable to him. They could take a realistic view of the situation. They were not obliged to believe that all the ingenious devices designed to legalize this particular game of chance were fully effective in practical operation. An important feature of the plan was the necessity

that the person whose number was drawn should appear at once and claim the deposit. The time allowed for appearance was entirely within the control of the defendant. No definite time seems to have been fixed. A participant inside the theatre would have the advantage of immediate presence in a place of comfort. He could hear the number and the name read. He could identify himself at once. A participant outside the theatre must wait in discomfort in the hope that if his name should be drawn within, he would be notified and would hear the call soon enough to crowd through toward the front of the theatre within such time as might be allowed. The object of the defendant was to fill the theatre, not the lobby or the sidewalk. We think the jury could find that the unusual crowds which completely filled the theatre on ‘Bank Night’ paid to come in partly because they had, or reasonably believed they had, a better chance to win the prize than if they had stayed outside, that they paid their money in part for that better chance, and that the scheme in actual operation was a lottery. There was no error in denying the defendant's motion for a directed verdict.

Our conclusions of law as to ‘Bank Night’ are not in conflict with those reached by the Supreme Court of New Hampshire in *State v. Eames*, 183 Atl. Rep. (N. H.) 590. The difference between the cases is that the New Hampshire court on agreed facts held that ‘free participation is a reality.’ We think the jury in this case could find that it was not a full and complete reality on as favorable a basis as paid participation.

There was error, however, in instructing the jury in substance that any technical and nonvaluable consideration ‘whether registration of the name or anything else’ would be a sufficient price. We are also of opinion that the price must come from participants in the game in part at least as payments for their chances and that the indirect advantage to the theatre of larger attendance is not in itself a price paid by participants.”

It is my opinion, in view of said decision, that the lottery statute is not violated unless some one participating in the lottery pays for the chance; that the fact is not controlling that it is possible for some or many to win without paying; that the test in the case of “bank night” is whether those who pay the admission to a theater are paying in part for the chance of a prize; and that this is a question of fact for the jury, or the court if there is no jury.

Very truly yours,  
HENRY E. FOLEY,  
Corporation Counsel.

Placed on file.

#### TRAFFIC LIGHTS, EAST NEWTON STREET AND HARRISON AVENUE.

The following was received:

City of Boston,  
Office of the Mayor, October 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of September 18, 1939, concerning the installation of traffic signal lights at East Newton street and Harrison avenue.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Boston Traffic Commission,  
October 6, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated September 18, 1939, which reads as follows:

“Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install traffic signal lights at East Newton street and Harrison avenue.”

There are no funds available for the installation of traffic lights at the above location.

Respectfully yours,  
WILLIAM P. HICKEY, Commissioner.

Placed on file.

**SIDEWALKS, WARD 13.**

The following was received:

City of Boston,  
Office of the Mayor, October 9, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to your order of September 18, 1939, concerning the installation of sidewalks under the W. P. A. plan of construction, in front of Nos. 10 and 12 Jerome street and at 35 Cushing avenue, Ward 13.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 4, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works install sidewalks, under the W. P. A. plan of construction, in front of Nos. 10 and 12 Jerome street and at 35 Cushing avenue, Ward 13.

A canvass of the above locations has been made and the abuttors have signified their proportionate share of the cost of this work and, when the necessary lien order is approved in City Council to have artificial stone sidewalks, we will submit this work on a W. P. A. project for approval.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**SHELTER ON BEACON STREET.**

The following was received:

City of Boston,  
Office of the Mayor, October 9, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Boston Elevated Railway relative to your order of September 25, 1939, concerning the provision of a shelter on Beacon street at St. Mary's street.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,  
October 3, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Sir,—In reply to your letter of September 28 with order of the City Council, I am inclosing copy of letter written to Councilor Agnew under date of September 29 relative to provision of a shelter on Beacon street at St. Mary's street, which explains the situation.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Boston Elevated Railway,  
September 29, 1939.

Mr. James E. Agnew,  
City Councilor, Boston.  
Dear Councilor,—I presented to the trustees your letter of September 26 relative to provision of a shelter on Beacon street at St. Mary's street. They have received many requests for shelters at stopping places and transfer points on the system, and have given the matter careful consideration, but in view of the expense involved, frequency of service, etc., they do not feel that shelters can be justified.

Very truly yours,  
EDWARD DANA,  
President and General Manager.

Placed on file.

**VETO OF SIDEWALK ORDER, WARD 3.**

The following was received:

City of Boston,  
Office of the Mayor, October 9, 1939.  
To the City Council.  
Gentlemen,—I return herewith without my signature, sidewalk construction lien order for sidewalk along Hudson street, both sides, in Ward 3, and attach hereto a copy of a letter received from the Commissioner of Public Works.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 4, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.  
Dear Mr. Doyle,—I return herewith sidewalk construction lien order that the Commissioner of Public Works make a sidewalk along both sides of Hudson street, Ward 3, and to be built of granolithic with granite edgestones.

Upon investigation I find that this street consists of artificial stone and brick sidewalks with edgestones and in the replacement of these sidewalks a lien order would not be necessary.

I regret to advise you that, due to the lack of funds, this department will be unable to replace same at the present time.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**LOAN FOR PUBLIC WELFARE.**

The following was received:

City of Boston,  
Office of the Mayor, October 9, 1939.  
To the City Council.

Gentlemen,—The Overseers of Public Welfare in preparing the budget estimates of the Welfare Department for the current year requested appropriations totaling \$11,942,907.34, an amount roughly \$1,300,000 in excess of actual expenditures for the year 1938. Acting upon my recommendations, your Honorable Body subsequently approved appropriations totaling \$10,206,084.43, or an amount roughly \$480,000 below departmental expenditures of the previous year. In submitting these recommendations I voiced the wish "that an improvement in conditions of employment or additional cooperation from Federal or state governments may render it possible that no further sums will be needed for this item." With three quarters of the current year behind us it is evident that this wish has not been fulfilled. While employment figures reflect an improvement over one year ago, the betterment has not been of sufficient magnitude to remove a substantial number from our welfare rolls. As you are well aware there has been a material reduction in the W. P. A. program. Whereas on March 15 of this year 25,687 persons were employed in Boston on W. P. A. projects, today the number is in the vicinity of 14,400, or a reduction of, roughly, 11,000 persons. About one third of this number have left or been dropped since July 12. Many of these former W. P. A. workers have been forced to turn to the Welfare Department for relief because of their inability to secure outside employment. As a result, the number of general relief cases aided by the department has increased, roughly, eight per cent in the last three months and ten and one half per cent over the case load of one year ago.

In view of the happenings of recent months, it is not surprising that the Welfare Department finds that additional appropriations must now be provided to cover relief disbursements during the balance of the year. In the attached communication these additional needs are presented as follows:

General Relief.....	\$850,000
Aid to Dependent Children.....	310,000
Old Age Assistance.....	40,000
	\$1,200,000

In addition, the department requests an additional appropriation of \$70,000 for Personal Service. Under the new W. P. A. regulations all project workers laid off after serving eighteen months must be recertified as to need by the Welfare Department before being eligible to reassignment to any project. This work has thrown a heavy load on the personnel of the Welfare Department and has made necessary the employment of a number of workers in addition to the regular departmental staff.

I am also advised by the Soldiers' Relief Commissioner that he anticipates a deficit of \$30,000 by the end of the year in the appropriation originally granted him for relief payments to worthy veterans. I feel provision should be made at this time for a supplementary appropriation to offset this deficit.

Under the provisions of chapter 72 of the Acts of 1939, municipalities are authorized, provided

they have included in the tax levy an amount equal to 80 per cent of the previous year's expenditures for relief purposes, to borrow for welfare and W. P. A. Boston has complied with this 80 per cent requirement by including in the current year's tax levy appropriations for relief purposes totaling \$9,839,047.63. I propose, therefore, that the additional appropriations requested by the Welfare Department be secured by borrowing and I submit herewith an appropriation order for this purpose and recommend its adoption.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
October 6, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—This department anticipates a deficit in the A item of the Central Office appropriation of \$70,000 and in the F item of the Central Office appropriation of \$1,200,000 for the balance of the year 1939. Attached is a report showing the details of these estimates.

It is impossible in a department such as this to know in advance the actual needs for relief and the request at this time for \$1,200,000 for the F items is in accordance with the procedure this department has followed in prior years. At the time the budget for this year was submitted, the department had hoped that improved business conditions would result in reduced expenditures.

Due to the reduction in the W, P. A. quota and to the termination of W. P. A. workers because of the eighteen-month ruling, we have felt no appreciable savings.

The additional amount needed in the salary item is due to the need for more employees to certify persons for W. P. A. employment and to recertify those W. P. A. workers who had been laid off because of the eighteen-month ruling.

It should also be noted that a W. P. A. project connected with this department on which there were employed 220 workers was terminated a few months ago.

Very truly yours,  
WILLIAM G. O'HARE,  
Executive Director.

	F-9. Dependent Aid.	F-10. Aid to Dependent Children.	F-14. Old Age Assistance.	A. Salaries.
Available September 30, 1939, from appropriation and Federal grants.....	\$661,078 96	\$241,869 95	\$648,103 06	\$146,370 66
Federal grants expected during balance of year.....	—	147,000 00	564,000 00	25,100 00
Total available.....	<u>\$661,078 96</u>	<u>\$388,869 95</u>	<u>\$1,212,103 06</u>	<u>\$171,470 66</u>
Estimated expenditures for balance of year.....	<u>\$1,510,000 00</u>	<u>\$700,000 00</u>	<u>\$1,255,000 00</u>	<u>\$241,504 04</u>
Estimated deficit.....	<u>\$848,921 04</u>	<u>\$311,130 05</u>	<u>\$40,896 94</u>	<u>\$70,853 38</u>

Ordered, That under the provisions of chapter 72 of the Acts of 1939 a loan in the sum of \$1,300,000 outside the debt limit, be, and hereby is, authorized, and that the City Treasurer, upon request of the Mayor, be authorized to issue bonds or notes therefor, and that the said sum of \$1,300,000 be, and hereby is, appropriated, to be expended in accordance with the provisions of chapter 72 of the Acts of 1939 for the following purpose:

Public Welfare Department.

A. Personal Service..... \$70,000  
F. Special Items..... 1,200,000

Soldiers' Relief Department.

F. Special Items..... \$30,000

Referred to the Committee on Finance.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Mathilda Borgstrom, for compensation for loss of rent from garage during tearing up of Evans street, Dorchester.

Boston & Maine Railroad, to be reimbursed for labor furnished in connection with repairs to sewer, Perkins street, Charlestown.

Boston & Maine Railroad, to be reimbursed for expenses incurred in connection with installation of water pipe, Main street, Charlestown.

Mabel R. Cameron, for compensation for injuries caused by an alleged defect in Huntington avenue.

Mary R. Conlon, for compensation for injuries caused by an alleged defect in Boylston street.

Louis E. Falk, for compensation for damage to car by city car.

Anne McHenry Hopkins, for compensation for damage to car caused by an alleged defect in Huntington avenue.

Lillian Isbart, for compensation for injuries caused by an alleged defect in Perkins Street Footbridge.

Sidney L. Kahan, for compensation for damage to car by city truck.

Edward J. Keefe, for compensation for injuries caused by an alleged defect in Huntington avenue.

Agnes Kearns, for compensation for damage to property at 3 Oscar street, caused by defect in sewer pipe.

Michael J. Leahy, to be reimbursed for expenses incurred as employee of Sanitary Division.

Thomas F. Lydon, to be reimbursed for expenses incurred as employee of Fire Department.

Thomas F. Lydon, to be reimbursed for execution issued against him on account of his acts as employee of Fire Department.

John P. McFarlane, for compensation for collapse of water boiler at 28 Hecla street, caused by water being shut off.

Thomas P. McGrath, to be reimbursed for expenses incurred as employee of City Hospital.

Thomas Hartwell, for compensation for damage to car in Sumner Tunnel.

Committee on Ordinances.

Petition of Moss Real Estate Trust for driveway opening at 91-102 North street.

Petition of Davis & O'Connor Company for permit for driveway opening at 272-278 Washington street.

Committee on Jitney Licenses.

Petition of Boston Elevated Railway for license to operate motor vehicles between junction of Belgrade avenue and Robert street, junction of Weld and Maple streets, over Belgrade avenue, Robert street, South Walter street, South street, Walter street and Weld street; return over Weld street, Walter street, South street and Robert street.



### NOTICE OF SECURITY FOR TAKINGS BY EMINENT DOMAIN.

A communication was received from the Boston Housing Authority re notice of security for takings by eminent domain.  
Placed on file.

### ACTING SUPERINTENDENT OF PRINTING DEPARTMENT.

Notice was received from the Mayor of the appointment of James J. McCarthy, City Treasurer, as Acting Superintendent of Printing Department, effective October 2, 1939.  
Placed on file.

### CITY ELECTION, NOVEMBER 7.

President MURRAY offered the following:  
Ordered, That meetings of the citizens of this city qualified to vote for city officers be held, at the several polling places designated for the purpose by the Board of Election Commissioners, on Tuesday, the seventh day of November, 1939, to give in their votes for three members of the School Committee, and for one member of the City Council in each ward; also to give in their votes "yes" or "no" in answer to the following questions:

1. Shall an act passed by the general court in the year nineteen hundred and thirty-eight entitled "An Act providing that the Mayor of Boston shall be eligible for Election for the Succeeding Term," be accepted?

2. Shall section eight A of chapter forty-four of the General Laws, relative to submitting to the voters of certain cities the question of approving or disapproving orders authorizing the issue of bonds, notes or certificates of indebtedness for certain purposes, be accepted?

The polls at said meetings shall be opened at eight o'clock a. m. and closed at eight o'clock p. m.

Ordered, That the City Clerk be hereby directed to give notice of said meetings according to law.  
Passed under suspension of the rule.

### SUSPENSION OF CERTAIN PROVISIONS IN GENERAL LAWS.

President MURRAY offered the following:  
Ordered, That the provisions of sections 55, 56 and 57 of chapter 54 of the General Laws be, and hereby are, suspended and made inapplicable as to the several questions to be voted upon at the city election to be held on November 7, 1939.  
Passed under suspension of the rule.

### REPORT OF COMMITTEE ON FINANCE.

Coun. SHATTUCK, for the Committee on Finance, submitted the following:

Report on message of Mayor and order (referred October 2) for loan of \$150,000 for relief projects, Paving Service, Public Works Department—recommending that same ought to pass, Coun. Shattuck dissenting from the report.

The question came on accepting the majority report and giving the order its second reading and passage.

Coun. SHATTUCK—Mr. President, this is a report of the Committee on Finance on the loan order of \$150,000 to be added to the H item in the Paving Division of the Department of Public Works. The order was under discussion at the last meeting and took its first reading at that time, and was then referred to the Committee on Finance. The Committee on Finance held a meeting last week and has now reported recommending the passage of the order. I have dissented from that report, and I wish to state the reasons for my dissent. We have already borrowed this year for relief alone \$3,450,000. It seems probable that in the balance of the year we shall have to borrow for dependent aid, old age assistance, soldiers' relief, and so forth, as much as a million and a half more, which will make \$4,950,000 for relief alone. We have also authorized the borrowing of a million and a half towards refunding of the deficiency in the state tax of last year. We have also borrowed an additional million under the refunding law of

1938, or authorized it. We authorized last year, and I think will probably borrow, \$1,800,000 or so for the Huntington Avenue Subway. With those authorizations, not including the orders here, of \$9,250,000, we are very far from a pay-as-you-go policy, even on operating expenses, because nearly half a million of that is strictly for operating expenses. I think under the circumstances we have been justified to some extent in making borrowings for operating expenses, but I think we should taper off those borrowings. I think, while relief of the real estate tax bill is important, it is also important that we should cut down our net debt so as to gradually reduce the \$5, \$6 or possibly \$7 in the tax bill which must be paid for maturities and interest on funded debt. I think we have gone far enough, if not too far, already this year. This year the need for more money in the H item of the Paving Division must have been known at the time when the tax rate was fixed. It was fixed only two weeks ago. Apparently the department had spent nearly all of its appropriation in that item at that time. So it must have been known. I think, having been known, it should have been included in the tax levy. I think it would have been much better, rather than build up this debt, to have had, say, ten cents less reduction in the tax rate for this year. Furthermore, we don't know what the program is even for the balance of the current year, so far as borrowing is concerned, except as it may be stated in the communication just read and which I have not had the time to read. It will certainly be desirable to announce the program at the beginning of the year and stick to it outside of an emergency. I also wish to call attention to the fact that on September 30 there were balances in the H items which had been unencumbered up to September 30 amounting to \$327,000 in round figures. I believe that part of those balances might be mobilized, some of them being used towards this proposed expenditure, rather than borrowing the full amount. For all these reasons, and as a protest against the mounting debt and against lack of planning of such expenditures, I shall vote against this order.

Coun. SULLIVAN—Mr. President, I would like to ask the councilor from Ward 5 a question. Didn't the Budget Commissioner inform us that the city's indebtedness at the end of the year, on the 31st of December, would be appreciably less than at the end of last year?

Coun. SHATTUCK—Appreciably greater or appreciably less?

Coun. SULLIVAN—Appreciably less.

Coun. SHATTUCK—I believe it will be somewhat less. I think it should be somewhat less. But we are borrowing about as fast as we are paying the debt off.

Coun. CHASE—Mr. President, I would move that we refer this matter to the Executive Committee and that the department heads be called in so that we may find out just what they intend to do with these balances of \$327,000. I don't think we should do anything further until we find out what they intend to do with the unexpended balances.

Coun. Chase's motion to refer was lost.

The order was given its second reading and passage, yeas 18, nays 1:

Yeas—Coun. Agnew, Carey, Chase, Englert, Fish, Fitzgerald, Galvin, Hutchinson, Irwin, Kelly, Kerrigan, Langan, Lyons, McMahon, Murray, Rosenberg, Sullivan, Taylor—18.

Nays—Coun. Shattuck—1.

### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition (referred today) of Davis & O'Connor for driveway opening at 272-278 Washington street—recommending that leave be granted.

Report accepted; leave granted under usual conditions.

2. Report on petition (referred July 10) of Karas & Karas Glass Company, Inc., for permit for driveway opening at 455 Dorchester avenue—recommending that leave be granted.

Report accepted; leave granted on usual conditions.

### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President MURRAY called up, under unfinished business, Nos. 1, 2 and 3 on the calendar, viz.:

1. Action on appointment submitted by the Mayor September 25, 1939, of Salvatore Maffei, to be a Constable with authority to serve civil process upon filing bond.

2. Action on appointments submitted by the Mayor September 25, 1939, of Charles V. Hurley, John Cassidy and Edward Miller, to be Weighers of Coal.

3. Action on appointment submitted by the Mayor October 2, 1939, of William Tepper, to be a Constable with authority to serve civil process upon filing bond.

The question came on confirmation. Committee, Coun. Sullivan and Irwin. Whole number of ballots 15, yes 9, no 6, and the appointments were confirmed.

### INSPECTION OF DWELLINGS BY SOCIAL AGENCIES.

Coun. FITZGERALD offered the following:

Ordered, That his Honor the Mayor confer with the Health Commissioner in relation to non-official inspections of dwellings being made by social agencies not members of the Health Department; also to confer with the Corporation Counsel to find out if this is not a violation of the Acts of 1885, chapter 382, section 23.

Coun. FITZGERALD—Mr. President, it has been brought to my attention that representatives of social agencies, not members of the Health Department, have been making non-official inspections of dwellings, starting last week. I believe this is a violation of chapter 382, section 23, of the Acts of 1885, which plainly state that nobody except a clerk or representative of the Health Department shall have authority to make such inspections. I ask, therefore, that the Mayor confer with the Health Commissioner to find out who is responsible for this sort of thing.

The order was passed under suspension of the rule.

### ORDER OF WAR DEPARTMENT RE MERIDIAN STREET BRIDGE.

Coun. IRWIN offered the following:

Resolved, That the City Council of the City of Boston hereby protests the issuance of an order by the War Department with respect to the relocation of the draw span in the Meridian Street Bridge over the Chelsea creek which would require the City of Boston either to eliminate said Meridian Street Bridge entirely and thereby cause a hardship to the people of East Boston and seriously cripple transportation facilities to the waterfront property of East Boston; or to erect a new bridge of a type that would cost the city upwards of \$3,000,000.

Resolved, That the City Council hereby places itself on record as in favor of the alternative proposition of the Commissioner of Public Works, as presented by him to the War Department local engineers, which would save to the people the use of a channel on which \$700,000 of public money has only recently been spent and make unnecessary the dredging of a new channel which would cost approximately \$1,000,000 of public money.

Passed under suspension of the rule.

### ROPEING OFF EAST BOSTON STREETS.

Coun. IRWIN offered the following:

Ordered, That the City Messenger be authorized to rope off the streets of East Boston at such points as may be necessary for the Columbus Day Parade, October 12, the cost thereof to be charged to the City Council appropriation for Flags, Ropes and Stakes.

Passed under suspension of the rule.

### OPPOSITION TO HIGH LEVEL MERIDIAN STREET BRIDGE.

Coun. SHATTUCK offered the following:

Ordered, That the City Council approves the action taken by his Honor the Mayor in opposition

to the construction of a high level bridge at Meridian street, East Boston, and requests that his Honor the Mayor take all such further steps as may seem necessary or advisable to block this proposal.

Passed under suspension of the rule.

### REOPENING OF HAYMARKET RELIEF STATION.

Coun. FITZGERALD offered the following:

Ordered, That his Honor the Mayor confer with the trustees of the Boston City Hospital in reference to the reopening of the Haymarket Relief Station.

Passed under suspension of the rule.

### "TRAVELER" CAMPAIGN FOR REDUCTION OF ACCIDENTS.

Coun. FITZGERALD offered the following:

Resolved, That the Boston City Council approve the action of the Boston evening *Traveler* in their campaign to reduce accident and deaths from fire crackers on July 4.

Passed under suspension of the rule.

### SUPPLY OF FUEL FOR NEEDY.

Coun. TAYLOR offered the following:

Ordered, That the director of the Overseers of Public Welfare be requested and assisted by his Honor the Mayor to make provisions to supply welfare recipients, old age recipients and W. P. A. workers with large families with fuel for the coming winter season.

Coun. TAYLOR—Mr. President, during the last cold spell I received a great many complaints from the unfortunates receiving welfare aid from the City of Boston, including old age aid recipients and W. P. A. workers with large families, that they had no coal or oil to provide heat, so that many of them and their families became ill. As we all know, elderly people particularly require heat, more than the young. I have great confidence in the director of Public Welfare. I think Mr. O'Hare is one of the finest men who ever held that position. He is certainly a humane man. Nevertheless, I think something should be done to alleviate the sufferings of the old and poor people and that they should be provided at once with fuel of some sort, coal or oil, to maintain them in comfort during the cold season.

The order was passed under suspension of the rule.

### SIDEWALKS, WARD 13.

Coun. HUTCHINSON offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Cushing avenue, at No. 35, Ward 13, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Commissioner of Public Works make a sidewalk along Jerome street, at Nos. 10 and 12, Ward 13, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Severally passed under suspension of the rule.

### EQUALIZING OF AUTOMOBILE INSURANCE RATES.

Coun. SULLIVAN, GALVIN and HUTCHINSON offered the following:

Whereas, The recently announced automobile insurance rates once again militates against the best interests of the people of Boston and the small car owners in the metropolitan area; and

Whereas, The method of assessing such rates is obviously unfair; be it therefore,

Resolved, That the State Tax Commissioner be requested, through his Honor the Mayor, to prepare and introduce legislation for the purpose of equalizing automobile insurance rates in all communities throughout the state.

Passed under suspension of the rule.

RECESS.

On motion of Coun. AGNEW, the Council voted at 2.52 p. m. to take a recess subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 3.37 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. SHATTUCK, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred July 24) for transfer of \$10,000 for repairs to Library Building—that same ought to pass.

Report accepted; said order passed, yeas 16, nays 0.

FINANCE COMMISSION REPORT ON MERIDIAN STREET BRIDGE.

The following was received:

City of Boston,  
Finance Commission, October 9, 1939.

To the Honorable the City Council.  
Gentlemen,—Recently the Finance Commission joined with a number of other organizations and city officials in opposing before the local district engineers of the War Department the proposal either to raze the Meridian Street Bridge or to build a new bridge having a draw span with a horizontal clearance of not less than 175 feet.

The Finance Commission took the view, first, that the Meridian Street Bridge ought not to be eliminated; secondly, and there is no need for the construction of a bridge that would give 175-foot horizontal clearance.

Commissioner of Public Works Hyland appeared before the War Department engineers and made a statement which contains an alternative solution of the present difficulties at the Meridian Street Bridge. The commission believes that Mr. Hyland's suggestion should be made a public record and therefore offers it to the City Council as a part of this letter.

The city officials and all others who are interested in preventing unwarrantedly heavy capital expenditure by the city should emphasize to the War Department officials at Washington that in view of the present financial condition of the City of Boston and in view of the actual need in this situation, nothing more elaborate should be thrust upon the city than this modified Hyland plan.

Respectfully submitted,

DAVID LASKER, Chairman,  
ROBERT ROBINSON,  
JAMES E. MAGUIRE,  
JOSEPH A. SCALFONETTI,  
JAMES H. FLANAGAN,  
The Finance Commission.

City of Boston,  
Public Works Department,  
September 15, 1939.

Col. A. K. B. Lyman, District Engineer, War Department, 31 St. James Avenue, Boston, Mass.

Dear Sir,—I respectfully submit, for the consideration of the officials of the War Department, the following information, which I feel is pertinent and relative to "the question of requiring the City of Boston to alter the Meridian Street Bridge across Chelsea creek, Boston Harbor, Mass., between East Boston and Chelsea, Mass., so as to provide a draw span relocated closer to the south or left bank and affording a horizontal clearance of not less than 175 feet"; which is the subject matter to be discussed at a public hearing to be conducted by representatives of the War Department on Friday, September 15, at 2 p. m., in Room 1004, United States Post Office Building, Boston.

A drawbridge was first constructed at the site of the existing Meridian Street Bridge in 1856, and since that time it has been deemed a public necessity to maintain a bridge structure at that location, spanning Chelsea creek and connecting the city of Chelsea with the City of Boston. That the existing structure is used to a large extent at the present time is evidenced by the following information obtained by representatives of the Boston Traffic Commission as the result of a traffic survey conducted between the hours of 7 a. m. and 7 p. m., on Monday, August 28, 1939, to determine the amount of traffic passing over the bridge:

	Units.	Persons.
Passenger cars.....	5,311	10,091
Trucks.....	1,613	2,581
Buses.....	4	80
Horse-drawn vehicles.....	36	43
Street cars.....	450	16,270
Pedestrians.....	.....	1,299
Total persons.....	.....	30,364

After perusing the above traffic counts, the necessity for maintaining a bridge at this location is obvious and the bridge unquestionably is of more benefit to the residents of the city of Chelsea, as it is reasonable to assume that the majority of persons using the bridge are residents of Chelsea going to and from the metropolis, Boston, for any one of various reasons. Even if it were determined that it was necessary to construct a new bridge, the unfairness of requiring the City of Boston to assume all the cost is apparent when it is taken into consideration that the bridge is used by the residents of Chelsea to a greater extent than by the residents of Boston.

The present drawbridge, which has a draw span of 100 feet in width, was erected in 1912, at a cost of \$172,847.38, which was apportioned as follows by a Special Commission appointed under the provisions of chapter 581 of the Acts of 1911 of the Commonwealth of Massachusetts:

City of Boston.....	65 per cent
City of Chelsea.....	20 per cent
West End Street Railway Company, The Boston Elevated Railway Company, lessee.....	15 per cent

This same commission determined at that time that thereafter the cost of the maintenance of the bridge would be paid by the City of Boston and the city of Chelsea, respectively, in the apportionments of 65 per cent and 35 per cent.

Even at that time, it was recognized that the cost of reconstruction and maintenance should not be borne by the City of Boston alone.

There is absolutely no justification, at this time, to saddle the taxpayers of the City of Boston with a burden of from \$2,500,000 to \$3,000,000, which has been estimated as the cost of new approaches and a new drawbridge with a draw span of 175-foot width, to replace the existing structure. This estimate is based on the meager information that we have been able to obtain as to the proposed location of the new draw span, which, we understand, is to be located approximately 400 feet south of the present draw.

It is my opinion that you will agree that the proposal to require the City of Boston to assume the entire cost of building a new structure is unfair and unreasonable, and there is a question in the minds of the undersigned and the engineers of the Public Works Department as to the necessity and practicability of providing for a 175-foot width of draw span at Meridian street, when the Chelsea Street Bridge, which spans Chelsea creek approximately 4,500 feet east of the Meridian Street Bridge and was constructed in 1937 at a cost of approximately \$680,000 by the City of Boston with the aid of a P. W. A. grant, has a width of draw of only 100 feet and the railroad trestle spanning Chelsea creek, adjacent to the Chelsea Street Bridge, has a width of draw span of only 70 feet. It would certainly be out of the question to rebuild the two last-mentioned bridges to provide for a 175-foot width of draw span.

In order to facilitate the passage of vessels through the draw of the Meridian Street Bridge,

it would seem that a more practical and less expensive solution could be found than the proposal to relocate the existing drawbridge and provide for the increased width of draw span. The existing width of 100 feet is ample to provide for the passage of all vessels that use Chelsea creek. It is my opinion that changes should be made in the location of the existing channel on the westerly or downstream side of the bridge. The northerly line of the channel could be extended farther east, even if it meant the changing of the harbor lines and the taking of land on property located in Chelsea on the northerly shore at the entrance to Chelsea creek and occupied by the Metropolitan Coal Company and the Boston Dry Dock Company. The extending of the northerly line of the channel in a westerly direction would provide for a turning basin sufficiently large enough and located far enough away from the bridge to allow the largest vessels, when going upstream, to be so maneuvered that the center line of the vessel would be parallel with the sides of the draw span before the bow of the vessel entered the westerly side of the draw. The necessary dredging work and the taking of property to provide for this new location of the northerly line of the channel and turning basin would be but a fraction of the cost of a new structure and the expense that would be incurred by the War Department to dredge channel-ways to connect the existing channels with the location of the proposed new draw. In addition to those considerations, it is a fact that much of the value of the present improvements now being effected in the channel would be lost if the present draw span were relocated.

Neither the physical characteristics of the channel itself nor the number of vessels using Chelsea creek has changed to such an extent as to justify an expenditure of approximately \$2,500,000 to \$3,000,000 by the City of Boston, and approximately \$800,000 by the Federal Government, which we have estimated as the cost to the Federal Government for the dredging of new channels; again basing the estimated cost on the information that we have been able to obtain as to the proposed location of the draw.

From February 1, 1919, to January 31, 1920, 17,812 vessels passed through the drawbridge; in 1929, 14,903 vessels; while in 1938, 15,659 vessels passed through this drawbridge. These records certainly do not indicate that the conditions have reached an impassé. The fact that 412,739 vessels have passed through the draw from August 12, 1912, to August 31, 1939, with only one accident of any consequence occurring, does not indicate that the location nor the width of the present draw span creates any hazardous condition to marine traffic.

It would not, in my opinion, be reasonable to require the expenditure by any individual corporation, municipality, or Federal agency, of the money necessary to reconstruct the present Meridian Street Bridge so as to allow for a draw span of 175-foot width. It would be most unreasonable to expect the City of Boston to assume the entire cost of such an undertaking, as the financial condition of the City of Boston at the present time precludes the making of any such expenditure, particularly in view of the fact that the City of Boston would derive no direct benefit, and the benefit to the cities of Chelsea and Revere and the owners of the oil farms and industries on the shores of Chelsea creek, 90 per cent of which are located in Revere and Chelsea, would not justify the expenditure of the amount necessary to effect the proposed change in the location of the draw span.

I respectfully request that you reject the petition for the providing of a 175-foot draw span at the Meridian Street Bridge.

Respectfully submitted,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

1. Report on petition of Cataldo Ciacco (referred September 25) to be reimbursed for amount of judgment issued against him on account of

his acts as driver of tipcart belonging to Sanitary Division, Public Works Department, December 13, 1937—recommending passage of accompanying order, viz.:

Ordered, That the sum of ninety-seven dollars and fifty-six cents be allowed and paid to Cataldo Ciacco in reimbursement for amount of judgment issued against him on account of his acts as driver of a tipcart belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

2. Report on petition of Walter F. Wenzel (referred September 11) to be reimbursed for amount of judgment issued against him on account of his acts as operator of motor vehicle belonging to Bridge Division, Public Works Department, October 26, 1938—recommending passage of accompanying order, viz.:

Ordered, That the sum of forty dollars be allowed and paid to Walter F. Wenzel in reimbursement for amount of judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Bridge Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

#### SIDEWALK, NEPONSET AVENUE.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Neponset avenue, Ward 19 side, Ward 19, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of granolithic, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### INCREASING W. P. A. QUOTA.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to immediately confer with Col. F. C. Harrington, Federal W. P. A. Administrator, and Denis W. Delaney, State W. P. A. Administrator, with a view to increasing the present W. P. A. quota in Boston.

Coun. CAREY—Mr. President, as every member of the Body knows, there is a very serious emergency existing in Boston today in the matter of the present W. P. A. quota for this city. Each and every member of this Body has been flooded by appeals which he has received morning, noon and night for the past few months from people who have been laid off because of their services under W. P. A. being dispensed with. On Saturday I sent the following telegram to Colonel Harrington, the Federal W. P. A. Administrator in Washington:

"I vigorously protest against the situation that has developed here which finds the W. P. A. quota assignment to Boston entirely out of proportion to the size of the city and the unemployment situation here. Boston is suffering severely because of this W. P. A. curtailment while other parts of the State are adequately provided for. Adverse conditions here are seriously affecting those who have been temporarily suspended and are awaiting reassignment. Large numbers of these workers are heads of families or single persons totally dependent upon W. P. A. for existence. I cannot urge you too strongly to give immediate attention to this situation in Boston to the end that immediate reassignment to work will at once be given to these large numbers desperately in need. I am similarly wiring Denis W. Delaney, State Administrator in Boston, asking for his immediate attention to this most important matter."

In my own particular case I have had called to my attention a serious situation of some 500 people, through appeals that have been made to me morning, noon and night, to do what I can to have them replaced on the W. P. A. lists. Certainly something should be done to increase the present W. P. A. quota in Boston, so that these men, now suffering such hardship, shall be reassigned to work. We have not here in Boston today a sufficient quota to take care of those who should

be so reassigned, and I earnestly trust that the Mayor will confer with Colonel Harrington and Mr. Delaney, with a view to having something done which will relieve the present serious situation. This is a matter which demands immediate attention.

The order was passed under suspension of the rule.

#### RESURFACING WARD 8 STREETS.

Coun. McMAHON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 8 under the W. P. A. plan of construction: Batchelder street, Leyland street.

Passed under suspension of the rule.

#### HEALTH UNIT, FRANKLIN FIELD.

Coun. ROSENBERG offered the following:

Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to include in the White Fund program for 1940, an allotment of money for the erection of a Health Unit at Franklin Field.

Passed under suspension of the rule.

#### EMERGENCY HOSPITAL SERVICE, CHARLESTOWN.

Coun. GALVIN offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Hospital Trustees and the trustees of the George Robert White Fund for the purpose of formulating plans for the maintenance of continuous emergency hospital service at the Health Unit in Charlestown.

Passed under suspension of the rule.

#### LIQUOR LICENSES NEAR CHURCHES.

Coun. CHASE offered the following:

Whereas, Churches of all denominations are sacred places of worship, and whereas, they should be respected as such, therefore be it resolved, that the Boston City Council in meeting assembled is of the opinion that the Boston Licensing Board should not allow liquor licenses in any future cases to locate within the near vicinity of any place of worship, and be it further resolved, that a copy of this resolution be sent to the Boston Licensing Board.

Coun. CHASE—Mr. President, I know every member of this Body will agree with me that a certain amount of respect should be given to the feelings of people attending their various places of worship. I know of several places in my district where liquor stores are established directly across the street from a church. I feel that the Licensing Board went beyond the bounds of reason in granting such licenses, and I feel that this Honorable Body, even if it is not a matter within our strict jurisdiction, should express its opinion to the effect that the feelings of people attending various places of religious worship in this city should be seriously considered in the future granting of liquor licenses.

Coun. GALVIN—Mr. President, I think this is a matter that should be referred to the Committee on Rules. I had a case of this sort brought to my attention a few years ago, where a cafe was situated 150 or 200 feet from a church. A vigorous protest against the granting of a license was made in the name of the church, and within three or four weeks after the fight against that particular license had been successfully made, the church closed up and was torn down. There seems to be a definite intention on the part of many no-license people to cause as much embarrassment as possible to those carrying on a lawful business, and one of the ways in which this feeling is manifested is in connection with the neighborhood of churches. The people in this business have a right to live, the same as anyone else, and

I don't believe this Body should pass any such vote as is here proposed, without due consideration. We have laws regulating not only the proximity of such business to our churches, but to our schools and playgrounds, and we have proper authorities whose duty it is to see that those laws are not violated. I believe this is a matter that should be referred to the Committee on Rules for consideration.

Coun. CHASE—Mr. President, some time ago a certain firm obtained a liquor permit directly opposite the Christian Science Church, against the protest of the church. That church is one of the most beautiful in America, and it seems to me that the Licensing Board should have paid more attention to that fact. There is pending before the Licensing Board an application for a permit for a liquor store directly opposite Trinity Church, on Clarendon street. The man seeking that permit comes from Charlestown. I say that there are too many liquor stores in my district now. I am making this appeal simply as a matter of common decency. We have in this city Catholic churches, Jewish synagogues, Protestant churches, which, in spite of the protests that they may make to this sort of thing, are today obliged to put up with it. I say that the majority of the people of Boston do not care to have their places of worship contaminated through the proximity of liquor establishments within a reasonable distance, and I know that the members of this Honorable Body will agree with me.

Coun. GALVIN—Mr. President, just to make the record straight, although the place that he refers to is at the present time run by a man who does business in Charlestown, that man is not a resident of Charlestown. I move that the matter be referred to the Committee on Rules.

The motion to refer to the Committee on Rules was lost by a show of hands. Coun. CHASE further doubted the vote and asked for the yeas and nays.

Coun. AGNEW—Mr. President, I would like to ask a question, what does "near vicinity" mean?

Coun. KERRIGAN—And I would ask unanimous consent, Mr. President, to make a statement. In voting to refer this matter to the Committee on Rules I do so because I have great faith in the present Licensing Board. Therefore, I see no reason why I should vote one way or the other upon this matter as presented by the councilor before the Committee on Rules takes it up and gives it some study and consideration. I have the greatest respect for Miss Driscoll, Mr. Gallagher and Mr. Richardson, and I know that they will give the matter proper consideration. But certainly before I cast my vote I feel that the matter should go to the Committee on Rules, and let them pass judgment.

Coun. CHASE—Mr. President, I was not favoring or opposing the Licensing Board. I merely introduced this resolution feeling that they should not grant any more liquor licenses in the near vicinity of churches.

The resolution was referred to the Committee on Rules, yeas 16, nays 1.

Yeas—Coun. Agnew, Englert, Fitzgerald, Galvin, Hutchinson, Irwin, Kelly, Kerrigan, Langan, Lyons, McMahon, Murray, Norton, Rosenberg, Shattuck, Sullivan—16.

Nays—Coun. Chase—1.

#### STUDY OF EMBARGO BILL.

Coun. NORTON offered the following:

Ordered, That the Mayor of Boston be requested to consider the advisability of appointing a committee of representative Boston citizens and waterfront experts to make a study of the present Embargo Bill before Congress and confer with our Representatives and United States Senators relative to the interests of New England in general and the Port of Boston in particular.

Coun. NORTON—Mr. President, I understand that the Eastern Steamship Company has been barred from one of the Canadian ports, and that when one of the vessels tried to get into the harbor of Bermuda it was not allowed to enter. These things may be necessary to keep this great nation out of war, and then again it may be possible, in some manner, to find a way to save some of our shipping. Therefore, I have introduced this order.

The order was passed under suspension of the rule.

## FOOD STAMP PLAN IN BOSTON.

Coun. NORTON offered the following:

Ordered, That the Mayor of Boston consider the advisability of appointing a committee to look into the advisability of having the City of Boston request the Federal Government to establish a so-called "Food Stamp Plan" in Boston for experimental purposes.

Coun. NORTON—Mr. President, I understand that the plan suggested in this order has been carried out in certain cities of the United States, and I feel that it might be well to consider the advisability of establishing a food stamp plan in Boston. The question of the distribution of surplus commodities is being given a great deal of attention all over the United States. Such a plan has been adopted in Rochester, New York, where they have been very successful in distributing such products to people in need. For instance, according to the report I have from that city, they have distributed 352 million dozen of eggs, a large amount of butter, and other food products, within a short time. The adoption of such a plan here will result in poor people being able to obtain some of the surplus commodities that are available at a

low cost. Anything of this kind that is a good thing for the people should be studied and, if possible, carried out, at least as an experiment.

The order was passed under suspension of the rule.

## THE NEXT MEETING.

On motion of Coun. SHATTUCK, it was voted that when the Council adjourn it be to meet on Monday, October 23, 1939, at 2 p. m.

Adjourned, on motion of Coun. SHATTUCK, at 4 p. m., to meet on Monday, October 23, 1939, at 2 p. m.

## CORRECTION.

In the Minutes of October 2, 1939, on page 424, column 1, Coun. Taylor was incorrectly recorded as voting No and Coun. Wilson as voting Yes on the passage of the order for a loan of \$150,000 for W. P. A. projects in the Public Works Department. Coun. Taylor voted Yes and Coun. Wilson No.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, October 23, 1939.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President MURRAY in the chair. Absent Coun. Agnew and Fish.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighers of Goods: Robert F. Earle, 121 Hancock street, Somerville, Mass.; Gilbert Jackson, 44 Jeffries street, East Boston, Mass.

Weighers of Coal: Isador Figler, 40 High street, Malden, Mass.; Kurt Dittel, 44 Quint avenue, Allston, Mass.; John Morrissey, 7 Tucker street, Milton, Mass.

Severally laid over for one week, under the law.

## VETO OF SIDEWALK ORDER.

The following was received:

City of Boston,

Office of the Mayor, October 16, 1939.

To the City Council.

Gentlemen,—I return herewith, without my signature and rejected, a lien order for sidewalks along Perkins street, Ward 19.

I am advised by the Commissioner of Public Works that lien orders are not required for this particular type of work.

In view of such advice I have vetoed the inclosed order.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department,  
October 10, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith sidewalk construction lien order that the Commissioner of Public Works make a sidewalk along Perkins street (Ward 19 side), and to be built of tar.

Please be advised that no lien orders are required for this particular type of work.

Respectfully,

GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## VETO OF SIDEWALK OPENING.

The following was received:

City of Boston,

Office of the Mayor, October 23, 1939.

To the City Council.

Gentlemen,—I return herewith without my signature and disapproved, petition for a sidewalk opening at 272-278 Washington street, Brighton. In my opinion the proposed petition contemplates a sidewalk opening far in excess of ordinary requirement, and for that reason I have vetoed the granting of the license for this opening.

Respectfully,

MAURICE J. TOBIN, Mayor.

Placed on file.

## VETO OF LICENSE TO MODERN BUS LINES.

The following was received:

City of Boston,

Office of the Mayor, October 18, 1939.

To the City Council.

Gentlemen,—I return herewith, without my signature and disapproved, the vote granting a license to the Modern Bus Lines to operate motor vehicles from the Dedham Line to Forest Hills Station over Spring street, Centre street, Belgrade avenue and Washington street.

Washington street, from the New Haven Railroad Bridge at Forest Hills to Roslindale square, a distance of about a mile, is now under process of reconstruction, necessitating one-way traffic, which will be necessary for some months to come.

I believe that because of the traffic congestion created by the above described conditions that consideration of this permit should be postponed.

Respectfully,

MAURICE J. TOBIN, Mayor.

Placed on file.

## PAYMENT TO WILLIAM L. HAGAN.

The following was received:

City of Boston,

Office of the Mayor, October 23, 1939.

To the City Council.

Gentlemen,—In order to comply with a decision rendered by the Industrial Accident Board awarding compensation and medical fees to William L. Hagan, an employee of the Printing Department, it will be necessary to provide additional funds in the F-11, Workmen's Compensation item of the Printing Department budget.

I am forwarding herewith an appropriation order in the sum of \$390.06 and recommendation adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That to meet the current expenses payable during the financial year beginning with the first day of January, 1939, an additional sum of \$390.06 be, and the same hereby is, appropriated from the income of the Printing Department for:

F, Special Items, Printing Department, \$390.06.

Referred to Executive Committee.

## TRANSFERS WITHIN DEPARTMENTAL APPROPRIATION.

The following was received:

City of Boston,

Office of the Mayor, October 23, 1939.

To the City Council.

Gentlemen,—I am forwarding requests for transfer within departmental appropriations in the following department and recommend adoption of the accompanying order by your Honorable Body:

Public Works Department, Water Service.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to make the following transfer in the appropriations for Public Works Department, Water Service:

From the appropriation for E, Materials, \$3,600, to the appropriation for D, Supplies, \$3,600.

Referred to Executive Committee.

## TRANSFER FROM PARKMAN FUND.

The following was received:

City of Boston,  
Office of the Mayor, October 23, 1939.  
To the City Council.  
Gentlemen,—I am in receipt of the attached communication from the chairman of the Board of Park Commissioners requesting the transfer of \$22,000 from the income of the George F. Parkman Fund to the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887.

I submit herewith an appropriation order and respectfully recommend its immediate passage by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, October 16, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—By vote of the Board of Park Commissioners you are respectfully asked to request the City Council to transfer from the income of the George F. Parkman Fund the sum of \$22,000 which is now available, to be expended under the direction of the Board of Park Commissioners as follows:

Common and Parks in Existence on January 12, 1887, Maintenance and Improvement of, \$22,000.

When making up the budget estimates for the year 1939, a sum equal to the total yearly income of the George F. Parkman Fund was deducted from Item A-1, Permanent Employees, with the understanding that this deduction was to be replaced by the total yearly income of said Parkman Fund for 1939, to be transferred as it accrued from time to time during the year to the regular maintenance appropriation of the Park Department.

Respectfully yours,  
WILLIAM P. LONG, Chairman.

Ordered, That the sum of \$22,000 be, and hereby is, appropriated from the income of the George F. Parkman Fund, to be expended under the direction of the Park Commissioners, for the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887, as follows:

Common and Parks in Existence on January 12, 1887, Maintenance and Improvement of, \$22,000.

Referred to Executive Committee.

## COVERING OF GARBAGE TRUCKS.

The following was received:

City of Boston,  
Office of the Mayor, October 23, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of September 18, 1939, concerning the immediate contacting of the Coleman Disposal Company, which has the contract for collecting garbage in the Dorchester district, to see that they comply with the sanitary regulations with reference to having their trucks covered, as, under the present method of collection, these trucks are a menace to the health of residents in the communities through which they travel.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 19, 1939.

William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I am in receipt of a copy of the following order that was passed in the City Council on September 18:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to immediately contact the Coleman Disposal Company, which has the contract for

collecting garbage in the Dorchester district, to see that they comply with the sanitary regulations with reference to having their trucks covered, as, under the present method of collection, these trucks are a menace to the health of residents in the communities through which they travel."

I have called this matter to the attention of the officials of Coleman Brothers Corporation, and they have assured me that the provisions of the contract relative to the covering of trucks hauling garbage and refuse will be adhered to in every respect.

A representative of this department in charge of the disposal work in the Dorchester district has also been instructed to see that all trucks are properly covered, in accordance with the contract requirements and the rules and regulations of the Health Department.

I do not anticipate any further complaints relative to this matter.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## REPLACING OF HYDE PARK SCHOOLS.

The following was received:

City of Boston,  
Office of the Mayor, October 23, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the School Committee secretary relative to your order of August 7, 1939, concerning the advisability of requesting Federal funds to replace the Henry Grew and Damon Schools, in Hyde Park, which were built nearly seventy years ago.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, October 13, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mayor Tobin,—At a meeting of the City Council on August 7, 1939, the following order was passed:

"Ordered, That the Mayor of Boston, with the cooperation of the School Committee, be requested to consider the advisability of requesting Federal funds to replace the Henry Grew and Damon Schools, in Hyde Park, which were built nearly seventy years ago."

Upon receipt of your communication with accompanying order, the School Committee directed that the order be referred to the Board of Apportionment for careful study and report, taking into consideration the replacement needs of the city as a whole.

The Board of Apportionment now reports that for several years past, there has been before the Board of Apportionment a constructive building program for action by the School Committee if and when money shall be available for school building construction. The committee has not as yet been in a position, because of the financial situation, to take favorable action on any of the new building recommendations submitted by the Board of Apportionment.

The Board of Apportionment will give renewed consideration to the building needs of the Hyde Park section in connection with its 1940 survey.

Sincerely yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

## EXAMINATION FOR POSITION OF SOCIAL WORKER.

The following was received:

City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Welfare Executive Director relative to your order of September 11, 1939, concerning the reconsidering of the requirement calling for two years' paid experience for persons



who desire to take the forthcoming examination for the position of social worker in order that any person having experience of three months or more may be permitted to take said examination.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
October 16, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Attention of Mr. William T. Doyle.

Dear Sir,—This department has received your communication with inclosed copy of an order from the City Council, dated September 11, 1939, reading as follows:

"Ordered, That his Honor the Mayor be requested to confer with the Director of Civil Service with a view to having him reconsider the requirement calling for two years' paid experience for persons who desire to take the forthcoming examination for the position of social worker in order that any person having experience of three months or more may be permitted to take said examination."

May I state that the examination for social workers has been cancelled. However, I shall make note of the contents of the Council order and when and if an examination is to be held for social workers in this department I shall be only too glad to keep in mind the intent of the Council in reducing the length of service requirements as a basis for taking the examination.

Sincerely yours,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

#### POSTING OF GENERAL LAWS OUTSIDE POLLING PLACES.

The following was received:

City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Board of Election Commissioners relative to your order of October 2, 1939, concerning the printing and posting conspicuously outside each voting place in the City of Boston a copy of General Laws, chapter 56, section 33, as amended by chapter 299 of the Acts of 1939.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Board of Election Commissioners,  
October 14, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—In compliance with the City Council order of October 2, brought to our attention by your communication of October 5, the Board of Election Commissioners has this day ordered from the City of Boston Printing Department cards bearing the new penalty upon illegal voting—General Laws, chapter 56, section 33, as amended by chapter 299 of the Acts of 1939. These cards will be posted outside the polling places on the day of the City Election.

Please be assured that we are glad to cooperate with you in this matter.

Very truly yours,  
BOARD OF ELECTION COMMISSIONERS,  
WILLIAM A. MOTLEY, JR., Chairman.

Placed on file.

#### USE OF WILLIAM EUSTIS SCHOOL, ROXBURY.

The following was received:

City of Boston,  
Office of the Mayor, October 23, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Executive Director of the Public Welfare concerning your order of October 2, 1939,

relative to making alterations and repairs to the William Eustis School, George street, Roxbury, for the purpose of creating a center for all Welfare, W. P. A. and Old Age Assistance activities for persons residing in Ward 8, Roxbury.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Overseers of the Public Welfare,  
October 20, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Attention of Mr. William T. Doyle.

Dear Sir,—This department has received your communication with inclosed copy of an order from the City Council, dated October 2, 1939, reading as follows:

"Ordered, That his Honor the Mayor direct the Bureau of Overseers of Public Welfare to make alterations and repairs to the William Eustis School, George street, Roxbury (to wit—second and third floors), for the purpose of creating a center for all Welfare, W. P. A. and Old Age Assistance activities for persons residing in Ward Eight, Roxbury, which are now handled at the following branches:

Hancock Street, Dorchester.  
Glenway Branch, Franklin Park.  
Whittier Branch, Roxbury.  
Concord Street Branch, South End.

Further Ordered, That his Honor the Mayor direct the Bureau of Overseers of Public Welfare to transfer to the George Street Branch immediately upon completion of necessary alterations and repairs supervisors, clerks and visitors now assigned to the above mentioned branches and engaged in Welfare, W. P. A. and Old Age Assistance activities pertaining to persons residing in Ward Eight."

May I report that this order was presented to the Board of Overseers of Public Welfare at their meeting as of October 16, 1939, and the Board felt that at this time nothing could be done toward the establishment of a district unit for Dependent Aid cases at the George Street School.

With reference to Old Age Assistance cases there are only two units operating outside of the main building, one of which is located at 57 East Concord street, in Boston proper, and the other on Glenway street, in the Dorchester district.

The Old Age Assistance units and the Dependent Aid units are never allocated to the same building. It was not felt necessary by the Board of Overseers of Public Welfare to add another unit for Old Age Assistance cases at this time.

Sincerely yours,  
WILLIAM G. O'HARE,  
Executive Director.

Placed on file.

#### INCREASE OF W. P. A. QUOTA.

The following was received:

City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—In reply to your order of October 9, 1939, requesting that I confer with the officials of the W. P. A. for the purpose of increasing the present W. P. A. quota in Boston, I beg to state that this conference was held and I have been assured by said officials that the quota for Boston will be increased to the extent of one thousand persons.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

#### SALE OF PIGS, DEER ISLAND.

The following was received:

City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Deputy Commissioner of the Penal Institutions Department who desires authority to dispose of one hundred

(100) surplus pigs at the House of Correction totaling approximately ten thousand pounds.

In the opinion of the Deputy Commissioner the sale of these surplus pigs at the present market price will realize between six and seven hundred dollars.

I accordingly recommend adoption by your Honorable Body of the accompanying order for the sale of the said pigs at public or private sale to the highest bidder.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Penal Institutions Department,  
October 13, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—We have on hand at the present time at the House of Correction, Deer Island, about one hundred (100) pigs which are ready for market. These pigs will weigh approximately one hundred (100) pounds each, a total of approximately ten thousand (10,000) pounds.

In my opinion, at the present market price, this department should receive between \$600 and \$700 from the sale of these pigs.

Your Honor's approval to dispose of these pigs at public or private sale, together with the approval of the City Council, is respectfully requested.

Respectfully,  
JOHN J. SHIELDS,  
Deputy Commissioner.

Ordered, That the Penal Institutions Commissioner be authorized to sell at public or private sale, to the highest bidder, the surplus stock of pigs at the House of Correction, Deer Island, amounting to approximately 10,000 pounds.

Referred to Executive Committee.

#### SALE OF OLD MATERIALS.

The following was received:

City of Boston,  
Office of the Mayor, October 19, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a communication from the Commissioner of Public Works requesting permission for the sale of junk accumulated in the demolition of the buildings in West Roxbury, formerly known as the Veterans' Hospital.

I recommend the passage of the accompanying order.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 14, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—Under the sponsorship of the Public Works Department, a project is now in operation for the demolition of the buildings located in West Roxbury adjacent to Spring street and the Veterans of Foreign Wars Parkway, formerly known as the Veterans' Hospital.

It is contemplated using the salvaged materials, where possible, on W. P. A. projects sponsored by any agency or department of the city. By utilizing these salvaged materials for such purposes, a saving in the amount of the normal market value of such materials will accrue to the city.

We have, however, a large amount of materials that are of junk value only or cannot be used to advantage by the City of Boston for any purpose in the future. These materials include four horizontal steam boilers, an electric generating engine, and two hot water heating tanks. I feel that it would be to the best interests of the city to dispose of such materials by one or more public auctions. I anticipate that the revenue derived from the sale of these materials will be in excess of \$500.

I respectfully recommend that an order be introduced in the City Council authorizing the Commissioner of Public Works to dispose of, at one or more public auctions, all materials resulting from the demolition of the buildings at the Veterans of Foreign Wars Hospital, West Roxbury, that are of junk value only or cannot be utilized to advantage by any agency or department of the city.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Ordered, That the Commissioner of Public Works be, and hereby is, authorized to sell, at public auction, the materials accumulated in the demolition of the building in West Roxbury, formerly used as a Veterans Hospital, which, in his opinion, have only a junk value or which cannot be used by the city to advantage for any purpose in the future.

Referred to Executive Committee.

#### RESURFACING UPHAM AVENUE, WARD 13.

The following was received:  
City of Boston,  
Office of the Mayor, October 23, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of September 18, 1939, concerning the resurfacing of Upham avenue, from Cushing avenue to Hancock street, Ward 13, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 19, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface Upham avenue, from Cushing avenue to Hancock street, Ward 13, under the W. P. A. plan of construction.

Due to changes on W. P. A. projects going into effect on October 31, 1939, I regret to inform you that it will be impossible to submit this street for approval until the early part of next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### SIDEWALK ON VAN WINKLE STREET.

The following was received:  
City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of September 18, 1939, concerning the making of a sidewalk along both sides of Van Winkle street, between Carruth and Bushnell streets, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 11, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works make a sidewalk along both sides of Van Winkle street, between Carruth and Bushnell streets, under the W. P. A. type of construction.

A canvass of this street has been made and the abutters have signified their intention

to pay their proportionate share of the cost of this work and, when the necessary lien order is approved in City Council to have artificial stone sidewalks installed, we will submit this work on a W. P. A. project for approval.

Respectfully,

GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING OF STONEHURST STREET, WARD 15.

The following was received:

City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 2, 1939, concerning the resurfacing with smooth pavement Stonehurst street, Ward 15, under the present W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Stonehurst street, Ward 15, under the present W. P. A. plan of construction.

Please be advised that this street has been submitted for approval on a W. P. A. project for construction next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING SPEEDWELL STREET, WARD 15.

The following was received:

City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 2, 1939, concerning the resurfacing with smooth pavement Speedwell street, Ward 15, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor,

City of Boston,  
Public Works Department,  
October 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Speedwell street, Ward 15, under the W. P. A. plan of construction.

Please be advised that this street has been submitted for approval on a W. P. A. project for construction next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING OF NORTON STREET, WARD 15.

The following was received:

City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 2, 1939, concerning the resurfacing with smooth pavement Norton street, Ward 15, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Norton street, Ward 15, under the W. P. A. plan of construction.

Please be advised that this street has been submitted for approval on a W. P. A. project for construction next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING OF DOWNER AVENUE, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of September 25, 1939, concerning the resurfacing of Downer avenue, Ward 13, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface Downer avenue, Ward 13, under the W. P. A. plan of construction.

Upon investigation of this street I find that there is no immediate need of resurfacing at this time.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING OF ELLERY STREET, WARD 7.

The following was received:

City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 2, 1939, concerning the resurfacing with smooth paving Ellery street, Ward 7, as a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth paving Ellery street, Ward 7, as a W. P. A. project.

Please be advised that this street will be submitted for approval on a W. P. A. project during the early part of next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING OF WEST SIXTH STREET, SOUTH BOSTON.

The following was received:

City of Boston,  
Office of the Mayor, October 16, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Commissioner of Public Works relative to

your order of October 2, 1939, concerning the resurfacing of West Sixth street, South Boston, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 10, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface West Sixth street, South Boston, under the W. P. A. plan of construction.

From Dorchester to E streets is the only portion of this street that will be left unfinished this year and this piece will be submitted next year for approval on a W. P. A. project.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### LIGHT AT FOX AND PERCIVAL STREETS, WARD 15.

The following was received:

City of Boston,  
Office of the Mayor, October 23, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 2, 1939, concerning the installation of a street light at the corner of Fox and Percival streets, Ward 15.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 13, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works install a street light at the corner of Fox and Percival streets, Ward 15.

I regret to advise you that there are no funds available in the budget for the increasing of lighting facilities at this time.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING OF LONGFELLOW STREET, WARD 15.

The following was received:

City of Boston,  
Office of the Mayor, October 23, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 2, 1939, concerning the resurfacing with smooth pavement Longfellow street, Ward 15, under the present W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 20, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Longfellow street, Ward 15, under the present W. P. A. plan of construction.

Please be advised that this street will be submitted on a W. P. A. project for approval during the early part of next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### RESURFACING CUSHING AVENUE, WARD 13.

The following was received:

City of Boston,  
Office of the Mayor, October 23, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of September 18, 1939, concerning the resurfacing of Cushing avenue, Ward 13, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 19, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface Cushing avenue, Ward 13, under the W. P. A. plan of construction.

Upon investigation I find that this street is in fairly good condition with the exception of that portion between Upham avenue and Windermere road, and I will have this section of the street submitted for approval on a W. P. A. project during the coming year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### HOURS OF TOLLMEN AND GATEMEN.

The following was received:

City of Boston,  
Office of the Mayor, October 23, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 2, 1939, concerning the tollmen and gatemen employed in the Ferry Division working forty-four hours instead of the present forty-eight-hour week.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 19, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I am in receipt of a copy of the following order that was passed in the Council on October 2:

"Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to have the tollmen and gatemen employed in the Ferry Division work forty-four hours instead of the present forty-eight-hour week."

While I am interested in seeing that the working conditions are improved in all branches of this department, I am, nevertheless, of the opinion that there are other groups of employees in this department who are working under more adverse conditions than are the tollmen-gatemen in the Ferry Service, and, because of this should be given priority when consideration is being given to reducing the number of hours per week that the employees in this department are required to work.

In the Sumner Tunnel Service, the tollmen-guards are required to work seven days a week as are the first assistant drawtenders and the drawtenders in the Bridge Service. It is my opinion that arrangements should be made to allow the tollmen-guards in the tunnel and the bridge tenders in the Bridge Service to work a six-day week before any consideration should be given to reducing the present work week of the tollmen and gatemen in the Ferry Service from forty-eight hours to forty-four hours.

I respectfully recommend that this order be disapproved.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

## Claims.

Morris Cole, for compensation for damage to car by city cart.

William F. Coye, Jr., for compensation for damage to car by City Hospital ambulance.

Crescent Tower, Inc., for compensation for damage to property at 240 Huntington avenue, caused by taking by eminent domain.

Cornelius Crowley, for compensation for injuries caused by an alleged defect in American Legion Hall.

Martin J. Davern, to be reimbursed for judgment issued against him.

Camilla DiDonizio, to be reimbursed for expenses incurred in repairing surface drain pipe at 286 Talbot avenue.

Mary V. Donovan, for compensation for damage to property at 644 La Grange street, during sidewalk construction.

Fred Elliott, for compensation for injuries caused by horse belonging to city wagon.

Mrs. Leon Farwell, for compensation for injuries caused by an alleged defect at 189 Wachusett street.

Ann Gabriel, for compensation for damage to car by city truck.

Mary Esther Gallagher, for compensation for injuries caused by an alleged defect at Tremont and Beacon streets.

Emery Griswold, for compensation for damage to car by fire apparatus.

William Hamilton, for compensation for overtime work at City Hospital.

Kenneth Holbrook, for compensation for injuries received on ferry boat.

Sidney L. Kahan, for compensation for damage to car by city truck.

Beatrice Mattson, for compensation for injuries caused by an alleged defect at 142 Berkeley street.

Marion Murray, for compensation for injuries caused by an alleged defect at 1579 Tremont street.

Elizabeth H. Niland, for compensation for damage to property by city employees.

James L. O'Keefe, for compensation for damage to car caused by an alleged defect in Chauncy street.

Viola R. Pinanski, for compensation for damage to property at 256 Hanover street, caused by leak in water pipe.

Louisa Scoffi, for compensation for damage to property at 251 Lexington street, caused by broken water pipe.

Felix F. Sharkey, to be reimbursed for judgment issued against him.

Cornelius D. Sullivan, for compensation for damage to property at 8 Almont street, caused by blasting.

William H. Veno, to be reimbursed for judgment issued against him.

Maurice J. Murphy, for compensation for damage to car by city truck.

Margaret L. Carolan, for compensation for loss of vacation at Park Department.

## Committee on Ordinances.

Petitions for driveway openings were received, as follows:

White Tower Management, Inc., 14-24 Brookline avenue, Ward 5.

John Wolongiewicz, 635 Dorchester avenue, Ward 7.

William P. Ripley, 410 Brookline avenue, Ward 4.

Charles B. Dolan, 65 Butler street, Ward 17.

Sidney Palder, 1251 Centre street, Ward 20.

## CONSTABLE'S BOND.

The constable's bond of Americo A. DeSimone, having been duly approved by the City Treasurer, was received and approved.

## APPOINTMENT OF ROBERT DYSART.

Notice was received from the Mayor of appointment of Robert Dysart of 40 Trinity place as trustee of Statistics Department, for term ending April 30, 1944.

Placed on file.

## MINORS' LICENSES.

Petitions were received for minors' licenses from 27 newsboys and eight bootblacks. Approved under usual conditions.

## PUBLIC WORKS DEPARTMENT RELIEF PROJECT LOAN.

Notice was received from the Emergency Finance Board of approval of loan for \$150,000 for Public Works Department, Paving Service Relief Projects, term of loan to be set at ten years.

Placed on file.

## LOAN APPROVED BY EMERGENCY FINANCE BOARD.

Notice was received from the Emergency Finance Board of approval of loan of \$1,000,000 for refunding.

Placed on file.

## DISCONTINUANCE OF BOSTON, REVERE BEACH &amp; LYNN RAILROAD.

Notice of hearing was received from the Department of Public Utilities re discontinuance of Boston, Revere Beach & Lynn Railroad, said hearing to be on November 9, 1939, at 10.30 a. m.

Placed on file.

## ASSIGNMENT OF JUDGES.

Notice was received from Chief Justice Fred T. Field of assignment of judges of district courts to act as judges of Appellate Divisions, and designation of members of the Administrative Committee of District Courts, to fill vacancies existing on October 2, 1939.

Placed on file.

## SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of October.

Report accepted; said order passed.

## ADDITIONAL FIREMEN.

Coun. SULLIVAN offered the following: Ordered, That his Honor the Mayor be requested to consider the advisability of placing additional firemen in the Boston Fire Department to fill the vacancies caused by death, retirement, etc.

Passed under suspension of the rule.

## ELEVATED FARES.

Coun. SULLIVAN offered the following: Ordered, That the trustees of the Boston Elevated be requested, through his Honor the Mayor, to rescind its recent action whereby the nickel fares on several lines throughout the city would be shortened or suspended.

Passed under suspension of the rule.

## FIVE-CENT FARE ZONES.

Coun. SULLIVAN offered the following: Ordered, That the Corporation Counsel be instructed, through his Honor the Mayor, to call upon the Department of Public Utilities to hold a public hearing relative to the proposal of the Boston Elevated Trustees to abolish and curtail the five-cent fare zones in various sections of the El system.

Coun. SULLIVAN—Mr. President, the citizens of this metropolitan area have recently been enraged by the action taken by the trustees of the Boston Elevated road to curtail and abolish a large number of five-cent fare zones in various sections of the Elevated system, thereby imposing an additional burden upon many of the residents

along local lines. This is a distinct breach of trust on the part of the trustees toward the people of the metropolitan area generally. The people in the different communities had been given to understand that the five-cent fare zone in their communities were to be permanent, and, of course, they were all surprised to pick up the paper recently and find that on seventy-one local lines the five-cent fares are to be rescinded. And it was done without any proper notice to the people of the district. These lines run between points where people particularly wish to travel, and the result of abolishing those five-cent fares will be to probably ruin many small business men, while at the same time placing a burden upon and seriously injuring the riding public. I think the Elevated trustees might well take into consideration the interests not only of the people of Brighton but of other sections in this matter. The Boston taxpayers and those in the metropolitan area generally are quite sufficiently burdened financially at the present time, with things as they are, and certainly if it is now proposed to place this extra burden upon them more serious consideration should be given to the matter and the people should be given a proper opportunity to be heard. I think it is absolutely a shame and a disgrace for the trustees to put such a plan into effect. They should amend their tactics at once, and I believe if they do not do so there will be serious results to them. They still have a chance to show that they are endeavoring to keep faith with the people of the area, and if they are to do so they should certainly give the people a proper hearing.

Coun. ROSENBERG—Mr. President, I heartily agree with the remarks of the gentleman from Brighton, as I myself have a similar order that I was intending to present this afternoon. I have just sent a second communication to the Board of Public Utilities calling upon them to hold up the trustees of the Elevated from putting this plan into effect, certainly until proper time can be given for consideration and a hearing on the question. This plan will certainly seriously inconvenience and injure people now traveling in the local five-cent zone areas. For example, if you get on a Blue Hill avenue car and want to travel to some of the churches, synagogues or Y. M. H. A's, you will now be stopped half-way and will have to pay another five-cent fare. This program that has been promulgated or contemplated practically proposes to put into effect a ten-cent fare throughout the City of Boston. It is unfair to the citizens and to all of the car riders throughout the metropolitan area. The trustees knew, of course, when they inaugurated the five-cent fares, that travel would increase enormously along the way, and that it would mean a great deal to the local riders. To take away that five-cent riding at the present time will mean a great hardship to our people. Certainly, when in other cities five and seven cent fares are given to the people, the trustees of the Elevated should realize the demand of the times in this respect and should not, without very serious consideration and giving the people a chance to be heard, increase the fares. I think that is a question that the trustees,—particularly when the guaranteed dividends to the stockholders are taken into consideration and when the taxpayers of the different communities are required to meet the deficits of the road,—should consider very seriously. The citizens of Boston, the car riders, are not only paying these fares, but are contributing toward the deficit. For all these reasons, I don't think it is fair at this time to increase the fares in these local five-cent areas. The people have not yet reached an area of prosperity, and they are now paying out all they can stand. I certainly hope that the trustees will give heed to the wishes of the Mayor and the Boston City Council and will see to it that this proposed revision is not put into effect without very serious consideration. I trust also that the members of the Board of Public Utilities will remember that they owe an obligation, not only to the citizens of Boston but to the honorable citizenry of the Commonwealth, and will not allow such a move to be put into effect without the opportunity for a public hearing where the representatives of the different communities can be heard. The Board of Public Utilities should be very careful in its action. Already there is a cry going up that that Board should be elected by the citizens of the Commonwealth, and not appointed by the Governor, so that they may feel more strongly their responsibility to the citizens. I trust, therefore, that the order will be passed this afternoon and that the Board of Public

Utilities will restrain the Elevated from putting into effect this proposed new zoning system. I feel strongly that that will be the result of public hearings at which not only the Elevated trustees but the public at large and their representatives may be given an opportunity to be heard and express their feeling in the matter.

Coun. TAYLOR—Mr. President, I have also prepared an order requesting the members of the City Council to go on record against the proposed curtailment of the five-cent fare service. Some time ago I introduced a resolve in this Body requesting the Council to indorse the Finance Commission's proposal to investigate the Boston Elevated Company. But somehow that order has been lost or laid on the table. I now insist, especially in view of the fact that the Boston Elevated Railway Company seems to be unable to properly carry on the work it is supposed to do, that something should be done with that original order requiring investigation of the management of the road. When a concern pays \$30,000 to one man and also pays other large salaries, it is about time to determine why the people of Boston should be the ones who are principally called upon to meet this guaranty when it should be spread over a larger territory, if not over the entire state. It seems to me the salaries being paid are a good deal too large, and that the guarantee of the dividends is a distinctly unjust burden. I cannot understand why such a burden was ever imposed upon our citizens in the first place. The taxpayers of Boston are paying large sums of money year in and year out to meet the deficits of the Elevated, resulting from paying these guaranteed dividends to the stockholders and paying these large salaries. I also introduced an order some time ago looking to the Boston Elevated road being put under public ownership, and I think that is a matter that should be brought before and seriously considered by the Legislature. It is about time that the people of this city should not be expected to pay the freight to any such extent, allowing the stockholders of the Elevated to receive these large guaranteed dividends, and to suffer the burden of these large salaries. They cannot afford to carry such a burden.

Coun. SHATTUCK—Mr. President, the Board of Public Trustees, which promulgated this order, are not appointed by the stockholders but are appointed from time to time by the Governor. They are bound by the law under which Public Control was established. It is not for them to question the payment of dividends. They are simply acting under the law, and the law requires that these dividends be paid. They have to pay them. They have to comply with the law. If they fail to pay them, they will be breaking the law. They are also required under the law to fix fares which shall meet the cost of service. Last year the deficit was about \$2,800,000. This year it will be somewhat smaller, perhaps \$2,000,000. The City of Boston pays about two thirds of that deficit, and it is an addition to the tax rate. It is the duty of the trustees to cut down the deficit as much as possible. The five-cent fare areas have grown more or less like Topsy since they started establishing them some years ago. In fact, they have covered in some cases routes that are not local at all, such as Watertown to Kenmore square, which is now cut out. Obviously, such routes as that are one of the causes for the deficit we have, and it is the duty of the trustees to do as much as possible to wipe out that deficit. The trustees are simply acting under the law and facing the facts.

Coun. CHASE—Mr. President, I can see no logic or reason which should actuate the trustees of the Boston Elevated in permitting a five-cent fare from Arlington Heights to practically every other part of the road and require a ten-cent fare from Roxbury Crossing to Berkeley street and Tremont. Where is the logic in that? There is absolutely none at all. If you go into a store you can buy half a pound of sugar and pay 50 per cent of what you would pay for a pound. Why not apply the same principle in this case? Surely we are interested in trying to reduce the Elevated deficit. Surely it has a marked effect on our tax rate. Why, therefore, should not some sense be applied to the establishing of these fares in different parts of the system? Why should it cost ten cents to ride from Roxbury Crossing to Berkeley street and cost only ten cents to ride from Arlington Heights to Park street? Why not have a proper zoning of fares on the Elevated for the different distances that people

ride? That is the logical way to tackle this problem. Certainly the citizens of Boston have reason to be more than alarmed by this plan that the trustees are attempting to carry out.

Coun. CAREY—Mr. President, I have an order here similar to the one introduced by Councilor Sullivan. I certainly agree with what he stated and what has been added by the other speakers. I, too, feel with Councilor Taylor that there should be an investigation of the Boston Elevated, an investigation that should be conducted with the greatest possible haste. It is about time that the car riders of the Boston Elevated and the taxpayers should be able to sit down together with the trustees and with the Department of Public Utilities and see what this is all about. So far nobody has been able to get information which should be readily available. I see that two of these five-cent trips which have been cut out are from Jamaica Plain carhouse to Roxbury Crossing via Centre street, and Roxbury Crossing to Berkeley street via Tremont street. I cannot believe that the financial troubles of the Elevated are because of these five-cent zone fares, but that they are because of other reasons. It does seem to me that this whole question might be dealt with in a much better manner by the trustees. These five-cent routes have been very convenient to people wishing to get to shopping points. The routes have been well patronized and, I believe, have carried themselves financially. But I believe personally there is no justification, in line with what has been suggested by the councilor from Ward 4 (Coun. Chase) for making short-haul routes that have now been so seriously curtailed made to pay, for instance, for people who are brought in to Boston from Melrose, Arlington and many other suburban points. I trust, therefore, that the Board of Trustees of the Elevated will rescind their action curtailing these five-cent routes until the taxpayers have had an opportunity to obtain the facts and until we know what the amount of the deficit this year is to be.

Coun. TAYLOR—Mr. President, there is one point that I forgot to mention, hearing upon what was stated by Councilor Shattuck. He said that as a matter of law the trustees had no discretion in the matter. Well, I appreciate that fact, and I believe, as an attorney, that the citizens and towns in this particular area where the Boston Elevated operates should satisfy themselves as to the constitutionality of the act. It is not very long ago that I put in an order requesting the Mayor to initiate some action along that line. That is the only way in which we can test out the constitutionality of that particular act. I would, therefore, ask that the Mayor refuse to pay, so that the question might be tried out as to why the people of this area should bear this particular burden when, as a matter of fact, it should be borne by citizens throughout the state.

Coun. SHATTUCK—Mr. President, I think if Councilor Carey will read the annual reports of the trustees, he will see what the receipts and expenditures of the road are and why there is a deficit. Those reports are very complete in detail. So far as the law and the constitutionality of the law are concerned, to which reference has been made by Councilor Taylor, I believe the question has been before the Supreme Court on the constitutionality of the act. It has been argued in the court and the act has been found constitutional. I know it has been before the court at least once.

Coun. CAREY—Mr. President, I might say, for the councilor's information, that I have at various times read the reports of the Boston Elevated. But there has been a demand for years for a public accounting, a public auditing of those books. Sometimes figures may mean something, but often they don't mean anything. So for years a cry has been made for information, that the taxpayers have a chance to examine those books, and that is what I had in mind in my remarks.

The order was passed under suspension of the rule.

#### REOPENING OF EAST BOSTON RELIEF STATION.

Coun. SULLIVAN offered the following:  
Whereas, By the reopening of the East Boston Relief Station his Honor the Mayor has manifested splendid sincerity of purpose and intensive interest in the people of this major sector of the city, and

Whereas, The vigorous and intensive efforts of City Councilor Francis W. Irwin have contributed greatly to the accomplishment of this worthwhile cause, therefore, he it

Resolved, That the members of the City Council congratulate his Honor the Mayor and City Councilor Irwin upon the action taken in this matter.

Passed under suspension of the rule.

#### REINSTATEMENT OF FORMER EMPLOYEES, EAST BOSTON RELIEF STATION.

President MURRAY, for Coun. Irwin, offered the following:

Ordered, That the trustees of the Boston City Hospital he requested, through his Honor the Mayor, to reinstate all former employees of the East Boston Relief Station in their old positions when said Relief Station reopens.

Passed under suspension of the rule.

#### ACCEPTANCE OF COLUMBIA PARK, WARD 14.

Coun. ROSENBERG offered the following:  
Ordered, That the Board of Street Commissioners he requested, through his Honor the Mayor, to accept and lay out as a public highway Columbia park, Ward 14.

Passed under suspension of the rule.

#### CHANGE OF FIVE-CENT FARE ZONES.

Coun. ROSENBERG offered the following:  
Ordered, That the trustees of the Boston Elevated Railway he requested, through his Honor the Mayor, to reconsider its recent action changing the local five-cent fare zones.

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to call upon the Board of Public Utilities to hold a public hearing on the proposed reduction of the five-cent fare zones.

Severally passed under suspension of the rule.

#### REPORT OF COMMITTEE ON FINANCE.

Coun. SHATTUCK, for the Committee on Finance, submitted the following:

1. Report on message of Mayor and order (referred October 9) for loan of \$1,300,000 to be expended for Public Welfare and Soldiers' Relief departments—that same ought to pass.

Coun. SHATTUCK—Mr. President, this is a report of a majority of the committee, all of the members of the committee except myself having voted for the order. I dissented from the report, and I will state briefly the reasons for my dissent. I do not criticize the amount stated in the order. It appears to be necessary to complete the payment for the year of Dependent Aid, Old Age Assistance and Mothers' Aid. As far as I know, the work of that department is administered efficiently. I am sure that Mr. O'Hare is doing the best he can. I dissent because I believe the expense should be financed in another way. I am opposed to so much borrowing annually for these regularly recurrent relief items. Including this borrowing, the totals this year for relief loan and bond issues will be \$4,900,000. We are retiring this year \$2,064,000. On December 31 last year the relief loans outstanding amounted to \$17,106,000. If the bonds under this loan are issued this year, as I assume they will be, and also the bonds of the recent \$150,000 loan authorized, the relief debt of the city on December 31 of this year will be \$19,942,000. In other words, our relief debt will have increased by about \$2,800,000 in one year. At the start of the borrowing for relief, in 1933, we thought we were meeting a temporary situation. We now know that the situation we are meeting is not temporary. We know that the expense of Mothers' Aid and Old Age Assistance is more likely to go up than to go down. We know that, while Dependent Aid fluctuates considerably according to the volume of employment, the Dependent

Aid loan will always be high, and may be still higher than it is if the Federal Government should still further curtail its W. P. A. program. So we should plan for something that will happen every year, and should pay for it each year as we go along. We haven't gained anything except temporarily by this borrowing for current expenses. If we had not borrowed anything for current expenses our tax rate would be about the same as it is now. Assuming that we pay this year for everything we expend, instead of borrowing several million dollars, we could pay all our bills this year out of tax levy and still not seriously increase the tax rate. In order to hold down our tax rate we are borrowing this amount of money, but we have accumulated in the last few years considerable debt charges for current expenses. Were it not for these debt charges we would be better off. In a few years our debt charges will be equivalent to the amount of borrowing. Our debt this year will amount to about \$135,000,000; last year it was \$132,000,000, and the year before \$131,000,000. But the point is that we are not getting ahead. We did decrease the tax rate this year by \$1.40. I believe it would have been better to have decreased the tax rate somewhat less and to have borrowed correspondingly less. I believe in the long run we would be better off and would not be facing the recurring problem that we will now have to face each year, year in and year out. Those are my reasons for dissenting from this report.

Coun. SHATTUCK submitted the following table:

Relief Bonds, 1933-1939.

	Issued.	Retired.	Outstanding. (Dec. 31.)
1933.....	\$7,600,000	.....	\$7,600,000
1934.....	.....	\$1,520,000	6,080,000
1935.....	7,000,000	1,520,000	11,560,000
1936.....	5,000,000	2,200,000	14,340,000
1937.....	4,257,000	2,720,000	15,877,000
1938.....	4,375,000	3,146,000	17,106,000
1939 (Est.)...	4,900,000	2,064,000	19,942,000

The report was accepted, and the order was passed, yeas 19, nays 1:

Yeas—Coun. Carey, Chase, Englert, Fitzgerald, Galvin, Harris, Hutchinson, Irwin, Kelly, Kerrigan, Langan, Lyons, McMahon, Murray, Norton, Rosenberg, Sullivan, Taylor, Wilson—19.

Nay—Coun. Shattuck—1.

Later in the session Coun. CHASE said:

Mr. President, I would ask unanimous consent to make a statement. I would like to go on record as stating my reasons for voting favorably on the loan order. I believe it is in the interest of the poor people of Boston that this money be appropriated. I, like other members of the body, dislike the policy of borrowing money to pay current expenses, but under the circumstances it seems to me that we have no alternative. We have to pass the order or else the poor of Boston will be unable to live as they should.

REPORT OF COMMITTEE ON RULES.

Coun. FITZGERALD, for the Committee on Rules, submitted the following:

1. Report on order (referred October 9) that Licensing Board should not allow liquor licenses in future cases to locate within near vicinity of churches—that same ought to pass.

Coun. FITZGERALD—Mr. President, I think I should make an explanation of the action taken by the committee on the resolve referred to, filed by Councilor Chase and referred to the Committee on Rules on October 9. There has certainly been a misunderstanding of the issue, as is shown by what has been stated in the papers and as set forth by the debate in the Council minutes. The newspapers give the impression

that the Council as a whole was in favor of having liquor licenses at the doors of churches. After the discussion here the matter was referred to the Committee on Rules, which held a meeting, attended by the members of the Licensing Board. I don't think any member of the Body would favor granting a liquor license at the door or near the door of a church. I believe myself that the A. B. C. Board has been very lax and has let down the public in this and in other matters. I am also satisfied that a bold, brazen attempt is being made by the liquor interests of this city to have licenses granted not only in the vicinity of churches, but near residences, and that if we do not look out we will have a worse situation than prevailed in Boston in the past, when those engaged in the business were so bold and brazen that they wanted to control the politics of the city. Unless that sort of thing is curbed now something is going to happen, and the result may very well be a law that will act to the detriment of those interests and place them in a worse position than they have been before. I for one would never vote to put a license next to the doors of a church.

Coun. LANGAN—Mr. President, I would like to ask the councilor a question. What constitutes the "near vicinity" of a church?

Coun. FITZGERALD—We simply voted as the order before us read. Nothing in that respect was specified. The old law prevented a saloon from operating within 500 feet of a church.

Coun. LANGAN—But didn't the committee find out what was meant by the language, what constituted the "near vicinity of a church"?

Coun. FITZGERALD—Mr. President, perhaps the gentleman who introduced the order can answer that question better than I can.

Coun. CHASE—Mr. President, the Licensing Board today has a right to grant a license within two feet or within six inches of a church. There is no restriction on their licensing power. Their power is entirely discretionary. What the order aims at is keep at a distance that any reasonable prudent man would consider proper in the exercise of sound discretion. That is what I had in mind in using the term that I did use in the resolution. Of course, circumstances would differ in different places.

Coun. LANGAN—Mr. President, I am again confused, and still continue confused as to whether it means 75 feet or 25 feet. Of course, I think we all realize that a proper distance in some cases might be 500 feet, in a particular district, and in another 200 feet or less.

Coun. CHASE—Well, of course, you realize that every liquor location would have certain individual surrounding circumstances and it is up to the discretion of the Board in granting the license to use reasonable judgment as to what constitutes a near vicinity. I might say that there is pending in the Licensing Board a proposed transfer of license from a liquor store in Charlestown to a point directly opposite Trinity Church, less than 50 feet from the church. I question whether members of this Board would consider that a proper distance, bearing in mind the surroundings, so far as Trinity Church is concerned. I might also call to your attention the fact that not so long ago a license was granted in South Boston in the near vicinity of a church, as I understand it, within two doors. Of course, as I say the circumstances in each case may differ. But what we are asking is that the Licensing Board use proper discretionary power in deciding what is near proximity, as reasonably prudent men. The order was passed.

PLEBISCITE ON FEDERAL HOUSING IN BOSTON.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be urged to consider further the request made by the City Council in orders passed on June 5 and September 18, 1939, that a plebiscite or referendum be provided at the coming city election which will permit the voters of Boston to express approval or disapproval of further extension of Federal low-rent housing in Boston.

Coun. WILSON—Mr. President, speaking very briefly on this order, it is simply in line with an order passed unanimously by the Council last spring, and I would now seriously urge the Mayor's reconsideration of the request made of



him by the City Council that a plebiscite or referendum be provided at the coming City Election which will permit the voters of Boston to express approval or disapproval of further extension of Federal low-rent housing in Boston. I am aware of the fact that a similar vote was passed by the Cambridge City Council in October, to this effect: "Ordered, That the following question shall be submitted to a vote of the registered voters of the City of Cambridge at the election to be held in the city of Cambridge on November 7, 1939:

"Shall the city of Cambridge agree to allow new federal housing projects to be constructed in the city of Cambridge?" That was adopted by an affirmative vote of twelve members of the Council of the city of Cambridge on October 3 and approved by the Mayor the next day. I am not sure whether the election department of the city of Cambridge will place the question on the ballot, although I am inclined to believe that they will. Obviously, there is a distinction between a state-wide referendum and a referendum of this kind placed on the ballot at a city election. I frankly concede the argument that the result of such a referendum on election day, on a matter of this kind, would not be binding as a matter of law, but it would allow the people to express their wishes on this very important question now confronting us. It would not be binding, of course, on the Housing Authority or on the Mayor but we would be able to get the opinion of our citizens on a very important controversial question. We have had the opinion of the people on the dog track question in certain sections of this city, and it seems to me much more important that we should have the opinion of the people of the entire city on such a controversial question as that of Federal housing. I can see no legal impediments or logical reason against allowing the people of Boston to express their thoughts on such an important matter as that of low-cost housing projects in the City of Boston. I hesitate to think that there are those in our city who are afraid to record the sentiment of our people on such a matter or to allow them to express their wishes. I hate to think that the reason why such a question cannot be on the ballot on November 7 is because the Housing Authority does not wish to know the sentiments of the people of this city on a project that may involve the expenditure of \$119,000,000. So I again urge the passage of this order, and urge the Mayor to reconsider his decision on the question, so that the citizens and taxpayers of Boston may have an opportunity to express their wishes and their feelings on such an important matter, more important than any problem that is apt to come before us in the future. I certainly trust that this question may be placed on the ballot on election day, so that we may at least know the feeling of our citizens in regard to it.

The order was passed under suspension of the rule.

#### COMMISSIONS PAID BY BOSTON HOUSING AUTHORITY.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to advise the City Council whether a two per cent commission is being paid to authorized persons obtaining signed options on parcels of real estate incident to plans for the contemplated new housing projects; and further

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to advise the City Council the names of such persons authorized and the amount of commission paid in each case to date.

Coun. WILSON—Mr. President, of course some day when a certain group perhaps does not have everything within its control, the facts and figures in reference to public housing in Boston will be disclosed to the public, and I certainly can see no reason why such facts and figures, in a matter which so intimately concerns our citizens, should not be made now a matter of public record. Certainly there can be no reason, when takings by eminent domain in a matter of this kind are proposed and are being carried out, why the citizens of Boston should not be made aware of all the facts and figures involved, unless there is some reason for keeping the facts and figures back. The item

referred to in this particular order is perhaps a minor one. This order merely requests the Boston Housing Authority, through the Mayor, to advise the Council whether a 2 per cent commission is being paid to authorized persons obtaining signed options on parcels of real estate in connection with the contemplated new housing projects, and to give the names of such persons as are authorized and the amount of commission paid in each case. The ordinary way in regard to other public services is to lay the cards on the table, but, as I understand it, a number of brokers have been going around investigating properties and neighborhoods, going out to Roxbury, South Boston and so on, meeting men in the district and investigating conditions in regard to property, and asking people to sign on the dotted line, and when they found that property was worth, we will say, \$3,500, getting the owner to sign for \$2,500 or \$2,000, getting, we will say, a \$50 fee for just a few minutes' work. I think it is well to get the facts in this matter. That is the purpose of this order, and I am going next week to ask for the passage of an order that I introduced some weeks ago asking information concerning parcels in these different sections, giving us the assessed value of the different parcels and the ownership. I am going to press for this information. It may not be given to me as a member of the Council. If it is not, and if these are facts and figures that will not stand the light of day, I now make the public property that the day will come when the Housing Authority of the City of Boston will disclose ever figure and every bit of information that they have in their possession. It may be that I am now the subject of a little horseplay and they may think that they are giving the laugh to Councilor Wilson of Dorchester; but the day will come when the taxpayer of Boston is going to be able to look at these figures and facts, when they are going to be placed before the public, and when the Boston Housing Authority is going to present those figures and facts. I ask them to do so now, because some day they will have to do so.

Coun. NORTON—Mr. President, as a friend of the Housing Authority and as a believer in the work that the Authority is doing, I feel satisfied that if any citizen of Boston wants the facts he can go to the Authority and get them. That is the easiest way of arriving at information desired. I can see no reason why they should not be given. Let the sunlight of day in on all activities of the Boston Housing Authority.

The order was passed under suspension of the rule.

#### DISCIPLINARY MEASURES AT CITY HOSPITAL.

Coun. WILSON offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to advise the City Council what disciplinary and corrective measures, if any, have been taken at the City Hospital with reference to certain employees and doctors acting in collusion with so-called "ambulance chasing" attorneys.

Coun. WILSON—Mr. President, I see in the papers recently that apparently some steps are being taken to iron out at least one angle of a situation that concerns not only the citizens of Boston generally and the members of the legal and medical fraternities, but the Boston City Hospital as an institution. I believe one angle, the legal one, has been dealt with somewhat, in an endeavor to clean up the practice of law in the City of Boston in this respect, and that is as it should be. The thing that is bothering me now is, what is being done to clear up the other angle? I realize, of course, from the newspaper standpoint, the amount of hysteria that is aroused for some reason with every unfavorable criticism of some of the things that happen in connection with the hospital, and I have read editorials in Boston papers sharply criticizing me, sometimes by name, for uttering as a city official one word of criticism of the administration of the hospital. There was, for instance, this editorial comment in regard to a criticism made by me: "Least some folks fear that the threat of ambulance-chasing lawyers is again rearing its ugly head at the Boston City Hospital, it is well that they be reassured. There is no cause for alarm. Since last spring, when Dr. James W. Manary, superintendent,

and his staff clamped down on these unwelcome encroachers, it was believed that the latter would cease their sordid activities. That one might slip in by subterfuge once in awhile was shown recently," and so on. And then it goes on to show, or endeavor to show, that, after all, this matter is really of no great importance. Let me say for the record that 90 per cent of the lawyers of Boston, certainly 90 per cent of those familiar with City Hospital activities, know that it is not a question of some individual ambulance case slipping in to the Boston City Hospital once in awhile, by subterfuge. It was a matter of sufficient importance for the Finance Commission to make an investigation, and although the report of the Finance Commission, as a result of the investigation, was somewhat like the side-wise movement of a familiar shelled creature of the beach, it was obvious that there was a little more fire than was expected. I think the public is entitled to the facts, and I think the taxpayers of Boston are entitled to have the situation cleared up; also, that the great majority of doctors at the Boston City Hospital, who are not involved, are entitled to have the situation straightened out. I am not going to weary you, Mr. President, or the members of the City Council, with any long oration, but I would like to cite only a few facts, not for the purpose of a post-mortem, but to point out certain angles in the ambulance-chasing situation, showing possible collusion. On December 27, 1938, a man was taken to the City Hospital. On the 8th of January his only living relative, so far as I know, a sister, contacted me and asked me to go in and see him, in view of the fact that he was seriously injured, had developed pneumonia, and was being visited daily by some man who came in at six or six thirty every single day, whose name was not even known to her brother, who brought in delicacies and paid the patient all sorts of unexpected attention. She asked me to go to see him, and I did on Sunday night. I asked for Doctor Manary, but he was not there, and I explained to the man in charge that I wanted to see the patient. So I went up. I will not go into the long story, except to say that there was this man who called every afternoon, whose name he did not know, a total stranger to him, who was paying him this attention. On January 9, I forwarded to the patient the usual form of written authority, for his signature, and upon obtaining that I forwarded to the hospital the authorization of the patient, requesting that there be sent to me his complete hospital record, stating that I would forward check. I sent that to Doctor Manary's office on Thursday, January 12, with the written authority, stating that I wished the record of the patient in surgical No. 7, and that when I was so advised I would forward check in proper amount. I waited some time and then wrote again, on January 23, inquiring as to the reason for delay in forwarding to me the medical report in the case of the patient in Surgical 7, stating that I had sent the authorization and letter on the 12th of January, and that I had received no reply. Under date of January 24, I received a letter, with a partial copy of the hospital record in the case, with bill, and stating that the remainder of the record would be forwarded to me when completed, but that the patient was "still confined to the ward." The letter, which was dated January 24, was postmarked January 28, and I received it on January 30. On January 30 I answered the same, inclosing check for partial record, down to and including January 21, and stating that I understood that the remainder of the record would be forwarded to me when completed. In my letter I stated that I was unable to understand why the letter and bill dated January 24 failed to reach me until the morning of the 30th, or why the envelope should be post-marked Saturday, January 28, although the letter and bill were dated as of the previous Tuesday. But I learned later that the patient, whom I was told was still confined to the ward, was discharged from the hospital on or about January 24, or January 23. So I wrote Doctor Manary on February 16, stating:

"On January 12 I forwarded to the Boston City Hospital an authorization of 'X,' then a patient in surgical No. 7, to forward me his completed hospital record. After some delay the hospital record was forwarded me with your statement in the sum of \$67.71. The hospital record was forwarded to me with letter dated January 24, which letter stated that the patient was 'still confined to

the ward.' You also advised me that the remainder of the record would be forwarded to me when completed.

"There are elements concerning this case that are beginning to give me considerable bother. I think it will make it a lot easier for all of us if my requests for information are promptly complied with. I understand that the patient was discharged from the hospital on or about January 24. Kindly advise me the date of his discharge and forward the promised remainder of his record, also any advices you may have as to the convalescent hospital to which I assume he was sent. I would appreciate your response during the current week without fail. Very truly yours."

To that letter I received no reply, so I wrote Dr. Manary again on February 23, as follows:

"Dear Dr. Manary: At your convenience I would appreciate an explanation concerning the hospital record of the patient in Surgical 924,497. In accordance with my request I received a letter from your office dated January 24, inclosing 'a partial copy to date of the hospital record in the case of 'X,' who is still confined to the ward.' Under date of February 17, I am now in receipt of a complete copy of the hospital record, which shows that 'X' was actually discharged from the Boston City Hospital on January 23, twenty-four hours before the letter of January 24 in which I was advised that he was 'still confined to the ward.'"

The point I am trying to make in reference to this matter is this. This patient was sent to the hospital on December 27, 1938. His sister told of an unknown man visiting him there at the hospital every day at about six. On January 8, 1939, I visited him at request of his sister, who wanted me to act as an attorney in the matter. I found him in Surgical 7, and I certainly could not understand why this man had been visiting him if some doctor at the City Hospital had not sent him. That is a matter that requires explanation. In the second place, I have received no explanation of why the hospital failed to send to me the record of that man; also I cannot understand why a letter to me which was dated January 24 was not postmarked until January 28, and why I did not receive it until January 30, or why the letter dated January 24 should say that he was still confined in the ward and that the remainder of the record would be forwarded to me when completed, although he was discharged from the hospital, as I understand, the previous day. In my own mind, I think I know the reason. It was to give some other party an opportunity to date back a writ and start suit. There was evidently some collusion with somebody in the City Hospital. Now, the public is entitled to the facts. Let us know what they are. I would like to ask these questions. Is it a fact that a private detective agency made an investigation of this condition at the hospital? Was that private agency paid by the hospital or by Mr. Manning personally in his desire to get to the bottom of the matter? Isn't it a fact that the findings were so confidential that they were reported to Mr. Manning personally? Isn't it a fact that on the day last year when the Holy Cross-Boston College football game was held, there was a conference at the home of Mr. Manning, at which Superintendent Manary and representatives of a private detective agency were present? Is it a fact that Mr. Manning's disgust on hearing of the existence of certain conditions was one of the chief causes for his regrettable resignation as a trustee? Why were these conditions then kept so secret by the hospital authorities? What was done about it? I have one additional thought. It has been brought to my attention that when certain City Hospital doctors appear as experts in the trial of accident cases there is included in their bill a charge for "retainer \$250." Retainer for what? So I urge the passage of the order I have offered for the reasons I have stated. First, I believe that the Council and the City of Boston are entitled to the information; second, it should be obtained in fairness to the hospital and to the great majority of doctors and employees of the City Hospital, who have been on the level and who are entitled to a disclosure of the facts, in simple justice to them. Since the legal end of the controversy is being ironed out, I call on the trustees to iron out the hospital end, not for purposes of punishment but to prevent a repetition of the sort of thing that has been going on as soon as the present excitement has died down.

The order was passed under suspension of the rule.

### OPPOSITION TO CURTAILMENT OF FIVE-CENT FARES.

Coun. TAYLOR offered the following:

Resolved, That the Boston City Council hereby places itself on record as opposed to the recent ruling of the Board of Trustees of the Boston Elevated Railway Company curtailing the five-cent fare.

Passed under suspension of the rule.

### INTEREST CHARGE TO TAXPAYERS.

Couns. TAYLOR and FISH offered the following:

Ordered, That the City Collector be requested, through his Honor the Mayor, to rescind his decision to charge all taxpayers who do not make payments on or before November 1st interest on their hills retroactive to October 1st.

Coun. TAYLOR—Mr. President, I read in one of the Boston newspapers that the City Collector, in the event that people do not pay their taxes on November 1, is going to charge them interest retroactive to October 1. I am at a loss to understand why the City Collector insists on imposing such a hardship on the taxpayers. In ordinary business houses, where a bill is sent out, the concern sending it out expects payment in thirty, sixty or ninety days. The City of Boston, I understand, has always adopted the same procedure—that is, sending bills out early in the summer and expecting to collect October 1st. But this year the bills were not sent out until October 1st and the taxpayers are expected to pay by November 1 or pay interest retroactive to October 1. Our City Collector is putting in new rules of his own, and the rule now is that if you do not pay your tax bill by November 1 you pay back interest to October 1. I cannot understand the attitude of the City Collector. As soon as he assumed office there were more homes lost by their owners than in any first-year period of a Collector in office. Not only that, but the City Collector now intends to place this greater burden and hardship on the taxpayers. If he wanted to charge interest from October 1, why didn't he send out the hills earlier? We are told that that is so because the state did not give notice to cities and towns earlier, and that he was unable to do so. That may be true, but it is no reason why he should charge interest back to October 1 where the bill is not paid by November 1. It is about time that the poor taxpayer should receive some consideration from our City Collector.

Coun. SHATTUCK—Mr. President, it would seem that the councilor wants to change the law. The City Collector is carrying out the rule of the office for years. Bills are payable October 1, and have been, and the taxpayer has thirty days' grace. If they are not paid until after November 1, interest is charged from the day when they are due. It is a long existing law that the Collector is carrying out, and why should he be blamed for carrying out the law?

Coun. TAYLOR—I would say in answer that hills have always been supposed to be paid October 1, the bill being sent out at an earlier date, and if they were not paid the interest was then charged from that day on. But under this new ruling if they are not paid by November 1 the taxpayers are charged interest from October 1 to November 1, although they may not have received the bill until November 1. I don't see why they should be charged interest in that case from October 1.

Coun. SHATTUCK—Mr. President, I think if the councilor looks at his tax bill he will see that it is payable October 1, but if you pay by November 1st you don't pay interest. If you pay it after November 1 the interest is dated back to October 1. That, I understand, has been the law for years.

The order was passed under suspension of the rule.

### "ABE LINCOLN IN ILLINOIS" WEEK.

Coun. TAYLOR offered the following:

Whereas, Robert E. Sherwood's Pulitzer prize play of 1939, "Abe Lincoln in Illinois," is at once a penetrating study of a great man, a sincere patriot, and a significant commentary on the American democratic spirit; and

Whereas, The distinguished star, Mr. Raymond Massey's magnificent and impressive interpretation of the Great Emancipator causes one of the most beloved of national heroes to live again; and

Whereas, The author, in his play, depicts that vital period in our history which he aptly terms "solidifying," with many of the lines the recorded words of Lincoln, the characters and the action in his drama skillfully designed as a background for the Great American; and

Whereas, The Playwrights Company's presentation of "Abe Lincoln in Illinois" has been accomplished with consummate art, dignity and understanding; and

Whereas, It is generally agreed that "Abe Lincoln in Illinois" is the one play most likely to become a classic to be played again and again as a permanent living drama; and

Whereas, In these troublesome times this play, more than anything else, demonstrates, visualizes, and teaches the true spirit of American democracy and becomes a great instructor of American history and American patriotism; and

Whereas, The Playwrights Company presents Raymond Massey in Robert E. Sherwood's Pulitzer Prize Play of 1939, "Abe Lincoln in Illinois," at the Boston Opera House during the week starting Monday evening, October 23, and that this will be the only engagement within the Commonwealth of Massachusetts; therefore, he it

Resolved, That his Honor the Mayor be requested and hereby is requested to issue a proclamation to welcome "Abe Lincoln in Illinois" to the City of Boston and to suggest to the people, in so far as it is within their means, that they avail themselves of this opportunity of witnessing this really patriotic, helpful, instructive and interesting play; he it further

Resolved, That his Honor the Mayor be also requested to designate the period from Monday, October 23, to Saturday, October 28, as "Abe Lincoln in Illinois Week" in the City of Boston and to ask our citizens, without interference with their private and commercial pursuits, to benefit themselves by the powerful lesson in Americanism which is graphically, impressively, and entertainingly taught in "Abe Lincoln in Illinois."

Referred to the Committee on Rules.

### CEMENT WALKS, WORCESTER SQUARE.

Coun. McMAHON offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to arrange the approval of a W. P. A. Project for the construction of cement walks through the park reservation in Worcester square.

Passed under suspension of the rule.

### FIVE-CENT FARE ZONES.

Coun. LANGAN and ENGLERT offered the following:

Ordered, That the trustees of the Boston Elevated be requested, through his Honor the Mayor, to allow to remain as they now exist the five-cent fare zones on the following lines:

Dudley street-Jamaica Plain.

Subway-Arthorway.

Hyde Park-Forest Hills.

Dedham-Forest Hills.

Monument on Centre street to Belgrade avenue.

Passed under suspension of the rule.

### SIDEWALK ON PERKINS STREET, WARD 19.

19.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to construct a sidewalk along the Ward 19 side of Perkins street, Jamaica Plain, under the W. P. A. type of construction.

Passed under suspension of the rule.

### EDWARD J. WHITE SQUARE.

Coun. NORTON offered the following:

Ordered, That the junction of Hyde Park avenue and Mt. Hope street be named and hereafter known as "Edward J. White Square," in honor of the late Edward J. White, an overseas veteran of the World and Spanish-American wars.

Passed under suspension of the rule.

## JUVENILE DELINQUENCY CASES.

Coun. NORTON offered the following:  
 Ordered, That the Mayor of Boston consider the advisability of conferring with the school and police authorities relative to the matter of seeking legislation so that the question of prosecution in juvenile delinquency cases in Boston may be handled by a committee made up of educators, police officials, clergymen, child experts and others.

Coun. NORTON—Mr. President, I am asking in this order that the Mayor of Boston consider the advisability of such a conference with the school and police authorities relative to the matter of seeking legislation so that the question of prosecution for juvenile delinquency cases in Boston may be handled by a committee made up of educators, police officials, clergymen, child experts and others. Here, in a nutshell, are the facts. As I understand it, every year in this city a large number of youngsters, say of eighteen years of age or under, are arrested and are branded as criminals for life. I talked with one of the professors in Harvard, who studies such questions, and he has sent me certain data. I find that in other cities juvenile cases go to a hospital. If, for example, a youngster is picked up by a policeman and put in a patrol wagon, he is taken to a local hospital until this commission has had a chance to look into the case, and in nine out of ten cases the commission does not favor criminal action. In other words, when I think of the things I did as a youngster in Hyde Park, for which I could have been locked up as a juvenile delinquent, I am very sorry for the youngsters out there at the present day. I know that you are just as much interested in this matter as I am, and will pass the order. Let us see if this is not feasible. This is done in other places and should be tried out here, and it will certainly prevent a large number of our youngsters being arrested and branded for life as juvenile delinquents.

The order was passed under suspension of the rule.

## LIGHTING AND POLICING, GROVE HALL DISTRICT.

Coun. ROSENBERG offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to make an immediate inspection of the lighting facilities in the Grove Hall district, with the view of installing additional street lights at strategic points in order to better light the streets and make them safe for public travel, and reduce the possibility of molestation and crime.

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to assign additional foot patrolmen to police the outlying area of the Grove Hall section of Dorchester, particularly from Quincy street and Blue Hill avenue to Columbia road and Quincy street, over Washington street to Columbia road, more particularly in night patrol of the district.

Coun. ROSENBERG—Mr. President, I have introduced the lighting order and the request for additional foot patrolmen in the Grove Hall section in view of the tremendous crime outbreaks in that immediate vicinity. I believe that a great deal of the crime problem is undoubtedly due to the poor lighting of side streets in the immediate vicinity. I feel also that there is need of additional patrolmen being placed on the streets, particularly at night. You have only recently read of the attack made on a young girl of nine in that neighborhood. When I call attention of the Council to the attack on this youngster,—and there are others who have been attacked,—I am in no way casting reflection on the Police Department, particularly in Station 9. I believe that Captain Duggan of Station 9 is a fine officer and is doing everything humanly possible with the limited number of men in that station. I believe additional men should be assigned to foot night duty to cover the side streets and dark alleys. Local women are afraid to send their youngsters out after nightfall in that particular location. I believe we should take action this afternoon on this matter, first referring it to executive session, as there are people who would like to have something to say on both of these orders.

The orders were referred to the Executive Committee.

## CHARLES E. MACKEY SQUARE.

Coun. MURRAY and KERRIGAN offered the following:

Ordered, That the junction of Preble street and Old Colony avenue be named the Charles E. Mackey square in honor of the former School Committeeman, a lifelong resident of South Boston.

Passed under suspension of the rule.

## ANSONIA ROAD, WARD 20.

Coun. LYONS offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Ansonia road, Ward 20, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

## ASSESSMENTS IN WARD 20.

Coun. LYONS offered the following:

Ordered, That the Board of Assessors be requested, through his Honor the Mayor, to instruct their local assessors not to increase valuations in Ward 20 unless same is warranted.

Coun. LYONS—Mr. President, relative to this order, let me say that in my section of Ward 20, probably 80 per cent of the people own their own homes. In the past year they have had \$300 to \$500 tacked on to their valuations, and I have received quite a few complaints in regard to the additional assessments on various homes in the district. Homes assessed for \$5,000 last year this year are assessed for \$5,500, with no additions whatsoever to the property. Therefore, I would ask the Board of Assessors, through the Mayor, to instruct their assessors starting out in January to assess property at a fair valuation and not to increase the valuations unless the same is eminently warranted. We all know that much business has left the City of Boston because of high valuations.

Coun. SULLIVAN—Mr. President, I was astounded to find out that property which had been assessed at the same rate for the last four years has this year been determined by the assessors, for no apparent reason, to be more valuable than it was in the last four years. That has been the case in spite of the fact that there has been no improvement added to the property. I certainly trust that favorable action will be taken on the request in cases where assessments have been raised on various properties.

The order was passed under suspension of the rule.

## PROHIBITION OF HEAVY TRUCKING, WELD AND WALTER STREETS.

Coun. LYONS offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to prohibit heavy trucking on Weld and Walter streets, via Centre street, Ward 20.

Passed under suspension of the rule.

## SIDEWALKS, WARD 20.

Coun. LYONS offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install sidewalks on the following streets in Ward 20, under the W. P. A. plan of construction:

Cheabrough road; Birchwood street; Baker street, from Spring to Centre streets.

Passed under suspension of the rule.

## ABATEMENT OF TAXES TO WIDOWS.

Coun. LYONS offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to draft a bill for presentation to the Legislature providing that widows with no source of income and owning real estate in the City of Boston, without any mortgage, be given consideration in the matter of abatement of taxes on said property.

Coun. LYONS—Mr. President, I find that in my section, and I suppose it is true throughout the City of Boston, there are quite a few widows who have their estates paid up in full, without mortgage, but who are still with no source of income, and to whom the payment of taxes is a very serious problem. There are many such cases where there should be abatement of taxes. As the law reads, however, if the equity exceeds \$2,000—in other words, if the estate is paid up in full—the City of Boston will give no assistance to a widow. These people of whom I speak are widows, mostly around the age of sixty, who have estates without a cent of mortgage on them, but who have really no source of income. I think the Corporation Counsel should be requested, through the Mayor, to draft a bill covering that situation. I believe that these are deserving cases for consideration.

The order was passed under suspension of the rule.

#### ACCEPTANCE OF WHITBY TERRACE, WARD 13.

Coun. HUTCHINSON offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Whitby terrace, Ward 13, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

#### MEMBERSHIP IN BOSTON RETIREMENT SYSTEM.

Coun. HARRIS offered the following:

Ordered, That the Boston Retirement Board be requested, through his Honor the Mayor, to consider the advisability of obtaining legislation which will permit school teachers in the City of Boston, who failed to become members of the Boston Retirement System within the time limit, to join said system.

Passed under suspension of the rule.

#### RECESS.

The Council voted at 3.50 p. m., on motion of Coun. LANGAN, to take a recess subject to the call of the Chair. The members reassembled in the chamber at 4.56 p. m. and were called to order by President MURRAY.

#### EXECUTIVE REPORTS.

Coun. WILSON for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) transferring \$3,000 from appropriation for personal service, Hospital Department, to appropriation for Special Items—that same ought to pass.

Report on message of Mayor and order (referred today) transferring \$3,600 from appropriation in Water Service, Materials, to Supplies—that same ought to pass.

Report on message of Mayor and order (referred today) appropriating \$22,000 from income of Parkman Fund—that same ought to pass.

Report on message of Mayor and order (referred today) appropriating \$390.06 for Printing Department—that same ought to pass.

The reports were accepted, and the orders were severally passed, yeas 16, nays 0.

2. Report on message of Mayor and order (referred today) that Commissioner of Public Works be authorized to sell junk from Veterans' Hospital—that same ought to pass.

Report accepted; said order passed.

3. Report on message of Mayor and order (referred today) that Penal Institutions Commissioner be authorized to sell surplus stock of pigs at Deer Island—that same ought to pass.

Report accepted; said order passed.

4. Report on order (referred today) that Police Commissioner be requested to assign additional foot patrolmen for Grove Hall section—that same ought to pass.

Report accepted; said order passed.

5. Report on order (referred today) that Commissioner of Public Works make inspection of Grove Hall lighting facilities—that same ought to pass.

Report accepted; said order passed.

Coun. ROSENBERG—Mr. President, accompanying the orders, I have submitted to the clerk a list of 375 signatures of residents in the community who have presented their petition, stating the conditions existing at the present time, and I think that the list of petitioners should be placed on file.

The petition referred to from Rebecca Cohen and others, for various improvements in Ward 14, was placed on file.

#### LETTERS SUBMITTED BY COUNCILOR ROSENBERG.

Coun. ROSENBERG submitted the following:

October 16, 1939.

Commissioner Joseph F. Timilty,  
Boston Police Headquarters.

Dear Commissioner,—The vicious criminal assault on a nine-year old child in my district on Sunday evening has caused a reign of terror throughout that portion of Dorchester.

It has been reported that for some time past vicious characters have been roaming the streets at night, and in at least two instances prior to the atrocious occurrence of Sunday night small girls have been molested on the streets, but have escaped because of the presence of passersby.

As spokesman for the residents of Ward 14 I urge that additional patrolmen, emergency squads and police cruising cars be sent into our district. Needless to say, I know that you will spare no effort to find the perpetrators of the vicious crime of Sunday night.

Very truly yours,  
SIDNEY ROSENBERG.

City of Boston,  
Police Department,  
Office of the Commissioner.  
October 19, 1939.

Sidney Rosenberg, Esq.,  
Council Chamber, City Hall.

My dear Councilor,—In the absence of Commissioner Timilty, I beg to acknowledge receipt of your letter of October 16, relative to the criminal assault upon a nine-year old child in your district on Sunday evening and requesting, as spokesman for the residents of Ward 14, that additional patrolmen be assigned to that district.

Please be advised that as a result of this last assault, additional plain-clothes officers on foot, as well as automobiles, have been assigned to patrol this particular section, with a view to apprehending the guilty parties. Every effort is being made by this department to solve this last case and you may rest assured that our efforts will continue unabated until every possible clue is run down.

Very truly yours,  
EDWARD W. FALLON,  
Acting Police Commissioner.

#### CUTTING OF SIDEWALK, ASTICOU ROAD.

Coun. LANGAN offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to confer with the officials of the Boston Elevated Railway as to the advisability of cutting away the excess portion of the sidewalk in the turn in Asticou road into Washington street, to relieve to some extent the traffic congestion at that point.

Passed under suspension of the rule.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted reports recommending that permits be granted on the following petitions for driveway openings, viz.:

Sidney Palder, 1251 Centre street, Ward 20 (referred today).

New England Trust Company, 517, 519, 523 Atlantic avenue (referred October 2).

Moss Real Estate Trust (referred October 9),  
92-102 North street.

Building Material Wholesalers, Inc. (referred  
November 21, 1938), 286 Rutherford avenue.

Report accepted; permits granted under usual  
conditions.

NEW ORDINANCE RE BUILDING  
INSPECTORS.

Coun. TAYLOR offered the following:

Proposed Revision of the City Ordinances.

Section 7 of Chapter 8 of the Revised Ordinances  
of 1914 is hereby amended by adding after the  
words "such class" this new paragraph:

"Or any person having served ten years or more  
as a Building Inspector of Construction, in the  
Building Department of the City of Boston, may,  
on recommendation of the Building Commissioner,  
on honorable retirement, receive from said Board,  
a license, for all classes, issued by the Board and to  
be in effect during good behavior, and without  
payment of any fee or examination."

Referred to the Committee on Ordinances.

RESCISSION OF FIVE-CENT FARE VOTE.

Coun. CAREY offered the following:

Ordered, That the trustees of the Boston  
Elevated Railway Company be requested, through  
his Honor the Mayor, to rescind their vote to  
discontinue the five-cent fare privilege on approx-  
imately seventy routes on the Elevated system.

Passed under suspension of the rule.

AQUARIUM SHOWER BATHS.

Coun. MURRAY offered the following:

Ordered, That the Park Commissioner be  
requested, through his Honor the Mayor, to make  
the necessary repairs to the shower baths in the  
Aquarium for the use of the boys who now play  
football nearby.

Passed under suspension of the rule.

RESURFACING OF SILVER STREET.

Coun. MURRAY offered the following:

Ordered, That the Commissioner of Public  
Works be requested, through his Honor the Mayor,  
to resurface Silver street with smooth pavement  
from D to E street.

Passed under suspension of the rule.

ACCEPTANCE OF MAGNOLIA STREET,  
WARD 14.

Coun. ROSENBERG offered the following:

Ordered, That the Board of Street Commis-  
sioners be requested, through his Honor the Mayor,  
to accept and lay out as a public highway, Magnolia  
street, Ward 14.

Passed under suspension of the rule.

Adjourned, on motion of Coun. CAREY, at  
5.03 p. m., to meet on Monday, October 30, 1939,  
at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, October 30, 1939.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President MURRAY in the chair. Absent, Coun. Fish.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weigbers of Goods: Walter Henderson, 78 West street, Hyde Park, Mass.; George Crompton, 54 Austin street, Hyde Park, Mass.

Weigber of Coal: George Crompton, 54 Austin street, Hyde Park, Mass.

Laid over a week under the law.

## GRANDSTAND, NORFOLK STREET PLAYGROUND.

The following was received:

City of Boston,

Office of the Mayor, October 30, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of October 2, 1939, concerning the erection of a grandstand on the Norfolk Street Playground, under a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,

Park Department, October 11, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of October 5 with inclosure, order from the City Council that this department sponsor a W. P. A. project for the erection of a grandstand on the Norfolk Street Playground.

Please be informed a project of this kind was set up over two years ago. It will be a pleasure to again comply with the councilor's request.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

## PLANTING OF TREES, HUNTINGTON AVENUE.

The following was received:

City of Boston,

Office of the Mayor, October 30, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of October 2, 1939, concerning the sponsoring of a W. P. A. project, whereby the Huntington avenue street car reservation, after completion of the subway, will be replaced with grass-plotted safety islands and that trees be planted at appropriate sections on the said islands.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,

Park Department, October 11, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of October 5 with inclosure, order of the City Council that the Park and Transit Commissioners be requested to sponsor a W. P. A. project whereby the Huntington avenue street car reservation, after completion of the subway, would be replaced with grass-plotted safety islands and trees planted on the said islands.

It will be a pleasure to comply with the councilor's request on this matter and a project will be prepared in the near future, after consultation with the Transit Commissioners.

Very truly yours,

WILLIAM P. LONG, Chairman.

Placed on file.

## INSPECTIONS OF DWELLINGS BY SOCIAL AGENCIES.

The following was received:

City of Boston,

Office of the Mayor, October 30, 1939.

To the City Council.

Gentlemen,—I transmit herewith letters from the Corporation Counsel and the Health Commissioner relative to your order of October 9, 1939, concerning the inspections of dwellings being made by social agencies not members of the Health Department.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,

Law Department, October 24, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—I am in receipt of a communication from your office dated October 13, 1939, attaching a copy of an order of the City Council, which order asked you in part to confer with the Corporation Counsel to ascertain if "non-official inspections of dwellings being made by social agencies" are not in violation of the Acts of 1885, chapter 382, section 23.

I have today rendered an opinion to the Health Commissioner in answer to his request for advice as to whether students from certain schools might accompany sanitary inspectors of the Health Department on official inspections in order that they might receive practical instruction in public health activities. That opinion is equally applicable to members or representatives of social agencies. In that opinion I stated that the only persons who have a right to go into one's house for the purpose of health inspection are those upon whom the right has been conferred by the law.

The pertinent provision of law is to be found in the Acts of 1885, chapter 382, section 20, which reads as follows:

"Every officer of the board of health, and every officer upon whom any duty or authority is conferred, shall have free access to every part of any lodging or tenement house, when required, in the proper execution of the duties of his office."

By virtue of the provisions of the foregoing section, certain persons in the health service of the city are given legal authority to enter lodging or tenement houses in the exercise of the duties of their office. This authority cannot be extended by such persons to other persons not so authorized.

The students (and representatives of social agencies), of course, are not officers of the Board of Health nor are they officers upon whom any duty or authority is conferred. Consequently, unless authority to do so is given by the owner or occupant, they have no right of access to private premises for the purpose of inspection in health matters.

Section 23 of chapter 382 of the Acts of 1885 provides as follows:

"Every member of said board of health, and every inspector acting under said board shall, before entering upon the duties of his office take and subscribe an oath before the city clerk of said city that he will faithfully and impartially discharge such duties, and the city clerk shall make and keep a record of such oath. Every member of said board and every such inspector who enters upon or discharges such duties without having taken and subscribed such oath shall be liable to a penalty of one hundred dollars, but such omission shall not render invalid any act or proceeding of said board."

The requirement of this section, it will be noted, is the taking of an oath by members and inspectors of the board of health prior to entering upon their duties and the penalty is imposed for violation of this requirement. Consequently, there is, strictly speaking, no violation of this section if, as suggested in the order of the City Council, social agencies or their representatives have been

making "non-official inspections of dwellings." Regardless of the oath, however, all city employees are bound to "faithfully and impartially discharge the duties" assigned to them and there always exists a presumption that they do so act. In this case I am aware of no facts, and none are presented or suggested in the order of the Council, that indicate that members of the Health Department have not been acting in good faith. A different situation would exist, however, if such employees, after being advised of the limitation of their authority, as set forth above, persisted in permitting unauthorized persons to accompany them on their official visits.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

City of Boston,

Health Department, October 25, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—In replying to your memorandum, requesting consideration and report upon the subject of the City Council order of October 9, 1939, concerning the non-official inspections of dwellings being made by social agencies not members of the Health Department and also to confer with the Corporation Counsel to find out if this is not a violation of the Acts of 1885, chapter 362, section 23, I have this to say.

As a part of the instruction in public health, given in this department to post-graduates and undergraduates in medicine and to student nurses, some undergraduate medical students of Tufts College Medical School were recently allowed to accompany some of the sanitary inspectors for the purpose of observing this phase of public health work.

Within a very short time the legality of this practice was challenged, whereupon I ordered it stopped, pending further consideration of the matter.

I have consulted the Corporation Counsel as to the legality or illegality of the practice and I append copies of correspondence with the Corporation Counsel ament thereto.

Yours respectfully,  
H. F. R. WATTS, M. D.,  
Health Commissioner.

City of Boston,

Health Department, October 11, 1939.

Henry Parkman, Jr., Esq.,  
Corporation Counsel.

Dear Mr. Parkman,—In connection with the educational program in which this department is engaged in cooperation with the Harvard School of Public Health, Tufts College Medical School, and Simmons College, students of these schools are receiving instruction and demonstrations of the practical application of public health activities and procedures by members of this department.

I am in doubt as to the legality or propriety of students, or a student, accompanying a sanitary inspector on his official inspections.

Inasmuch as sanitary inspectors are sworn officials of the department, whose duty it is to enter upon private property for the purpose of making legally prescribed and necessary examinations of premises, it has been the policy of the department to consider all information secured by these inspectors as "privileged" and available to no third party except to the owner of the property, when such owner is deemed to be responsible for the abatement of a nuisance, except as it may be required under subpoena in a court action.

I ask your opinion as to the legality or propriety of a medical student, or other private individual, accompanying a sanitary inspector of this department on his official inspections.

Yours very truly,  
H. F. R. WATTS, M. D.,  
Health Commissioner.

City of Boston,

Law Department, October 23, 1939.

Henry F. R. Watts, M. D.,  
Health Commissioner.

Dear Commissioner,—I have your letter of October 11, 1939, in which you ask my opinion as to the legality of students accompanying a sanitary inspector on his official inspections of private premises.

Section 20 of chapter 382 of the Acts of 1885 provides as follows:

"Every officer of the Board of Health, and every officer upon whom any duty or authority is conferred, shall have free access to every part of any lodging or tenement house, when required, in the proper execution of the duties of his office."

The only persons who have a right to enter premises on health matters are those to whom the right is given by the law. The law confines this right to an officer of the board of health and every officer upon whom any duty or authority is conferred. A student is not an officer of the board of health nor an officer upon whom any duty or authority is conferred and, therefore, the student has no right to enter the premises on health matters. The owner of the premises could forbid the student's entrance, and if the student entered without the consent of the owner the student is a trespasser. In other words, the student has no more right to enter premises than any other private individual. I find nothing in the law relative to the Health Department which gives an inspector the right to take students along with him during official investigations.

You ask me, further, however, as to the propriety of a student accompanying a sanitary inspector upon his official inspection of private dwellings, including lodging and tenement houses. Granting that there is no legal right of entry, may it be proper under certain circumstances, and if so, what are those circumstances? I understand from your letter that the purpose of his doing so would be to carry out the arrangement made by your department for mutual cooperation with the Harvard School of Public Health, Tufts College Medical School and Simmons College, and I assume that it is in the general interest of the development of the efficiency of your department and of the public generally to help train the students of these institutions in the practical demonstration of public health activities. Thus, while there is no legal right for a student to enter a private home, there may be an indirect public interest in his doing so under proper circumstances. It is traditional in our jurisprudence that a man's privacy in his home be maintained, and this right to privacy must yield only to a greater public interest on the terms specifically expressed in the law enacted for the benefit of all, or if the person in charge of the home consents, with the specific consent of the person in charge I do feel it may be proper to permit the practice you inquire about. I would suggest, however, that great care be taken that the consent be clearly and unequivocally given, and preferably in writing. Furthermore, it shall be made abundantly clear at the time consent is sought, that the occupant has the right to exclude any unauthorized person from entering on his premises. In other words, there must be no question that the consent is freely given and without suggestion of compulsion in any form.

With these general principles before you, perhaps you will be able to work out an arrangement satisfactory to all concerned.

Very truly yours,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

##### Claims.

Alfred Bihl, Jr., for compensation for damage to car by fire apparatus, Ladder 13.

Carmelo Bonaceto, for compensation for damage to car by fire chief's car.

Alfred T. Cunningham, Jr., for compensation for damage to car caused by an alleged defect at Weld and Maple streets.

Marguerite C. Driscoll, for refund on dog license.

Louis Eagles, for compensation for refund on dog license.

William G. Gale *et al.*, for compensation for damage to property at 7 Paula road, caused during blasting work.

George W. Grady, for compensation for injuries caused by an alleged defect in American Legion Highway.

E. V. Lynn, for compensation for damage to coat caused by an alleged defect in Worthington street.



## Committee on Ordinances.

Petitions for driveway openings were received as follows:

Myrtle J. Case, 27-31 Brighton avenue, Ward 21.  
Cyrus Sargeant, 24 and 26 Somerset street, Ward 3.

Sam Wolk, 1244 Massachusetts avenue, Ward 7.  
Boston Safe Deposit and Trust Company, 35-39 Arch street, Ward 3.

## Executive.

Petition of Dennis H. Cashman to be retired as laborer in Sanitary Division.

Petition of Eleanor Alexander to be paid annuity on account of death of her husband, Ernest Alexander, late member of Fire Department.

## APPROVAL OF CONSTABLE'S BOND.

The constable's bond of Salvatore Maffei, having been duly approved by the City Treasurer, was received and approved.

## APPROVAL OF \$2,000,000 LOAN.

Notice was received of approval of tax title loan of \$2,000,000 by Emergency Finance Board. Placed on file.

## LOAN FOR PUBLIC WELFARE AND SOLDIERS' RELIEF.

President MURRAY called up, under unfinished business, No. 3 on the calendar, viz.:

3. Ordered, That in accordance with the provisions of chapter 72 of the Acts of 1939 a loan in the sum of \$1,300,000, outside the debt limit, be, and hereby is, authorized, and that the City Treasurer, upon request of the Mayor, be authorized to issue bonds or notes therefor, and that the said sum of \$1,300,000 be, and hereby is, appropriated, to be expended in accordance with the provisions of chapter 72 of the Acts of 1939 for the following purposes:

## Public Welfare Department.

A. Personal Service..... \$70,000  
F. Special Items..... \$1,200,000

## Soldiers' Relief Department.

F. Special Items..... \$30,000

On October 23, 1939, the foregoing order was read once and passed, yeas 19, nays 1.

The order was given its second and final reading and passage, yeas 15, nays 0.

## APPROVAL OF APPOINTMENTS.

President MURRAY called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor October 9, 1939, of James J. McNamee to be a Constable with authority to serve civil process upon filing bond.

2. Action on appointments submitted by the Mayor October 23, 1939, of Robert F. Earle and Gilbert Jackson, to be Weighers of Goods; and Isador Figler, Kurt Dittel and John Morrissey, to be Weighers of Coal.

The question came on confirmation of the appointments. Committee, Coun. Irwin and Agnew. Whole number of ballots 13, yeas 10, no 3, and the appointments were confirmed.

## LEGAL OPINION AS TO WORK ON CHARLESBANK PARK.

Coun. FITZGERALD offered the following:

Ordered, That the Corporation Counsel be hereby requested to inform the City Council whether or not the appropriation of money from the income of the Parkman Fund for the construction of a building for recreational purposes on the Charlesbank Park comes within the terms of the will of George F. Parkman.

Passed under suspension of the rule.

## RECESS.

The Council, by direction of President MURRAY, at 2.33 p. m., took a recess subject to the call of the Chair. The members reassembled in the Council Chamber at 3.50 p. m.

## COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on order (referred June 5) that Council favors report of Finance Commission re Boston Elevated Railway Company—that no further action is necessary.

Report accepted.

2. Report on petition of Dennis H. Cashman (referred today) to be retired as laborer in Sanitary Division—recommending passage of following order, viz.:

Ordered, That the Retirement Board for Laborers be hereby authorized and requested to retire, under the provisions of chapter 765 of the Acts of 1914, Dennis H. Cashman, employed as laborer in the Sanitary Division of the Public Works Department, he having reached the age of sixty-nine and being physically incapacitated.

Report accepted; said order passed.

3. Report on message of Mayor and order (referred July 24) with reference to sale of steamer "George A. Hibbard"—recommending passage of accompanying new draft, viz.:

Ordered, That the Commissioner of the Institutions Department be, and hereby is, authorized to sell at public auction, after due advertising in the *City Record* and Boston daily newspapers, and with notices to be sent to all persons who have made inquiries, the boat "George A. Hibbard," at an upset price of \$3,000.

Report accepted; said order passed.

Coun. TAYLOR, for the Committee on Ordinances, submitted reports on petitions for driveway openings—recommending that licenses be granted, viz.:

White Tower Management, Inc., 14-24 Brookline avenue, Ward 5 (referred October 23).

William P. Ripley, 410 Brookline avenue, Ward 4 (referred October 23).

Boston Safe Deposit and Trust Company, 35-39 Arch street, Ward 3 (referred today).

Report accepted; licenses granted under usual conditions.

## REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

1. Report on petition of William H. Veno (referred October 23) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Paving Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one hundred forty dollars and one cent (\$140.01) be allowed and paid to William H. Veno in reimbursement for amount of judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Paving Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

2. Report on petition of Thomas F. Lydon (referred October 9) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor apparatus belonging to Fire Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of three hundred dollars (\$300) be allowed and paid to Thomas F. Lydon in reimbursement for amount of execution issued against him on account of his acts as operator of motor apparatus belonging to the Fire Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

3. Report on petition of Martin J. Davern (referred October 23) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of ninety-two dollars and ninety-one cents be allowed and paid to Martin J. Davern in reimbursement for amount of judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

SIDEWALK, HAWTHORNE STREET,  
WARD 19.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to construct a tar sidewalk along both sides of Hawthorne street, Ward 19, as a W. P. A. project.

Passed under suspension of the rule.

SUSPENSION OF FIVE-CENT FARE ZONE  
ORDER.

Coun. LYONS offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Department of Public Utilities in an effort to hold up the establishment of new schedule of five-cent fare zones on the Boston Elevated system until after such time as a public hearing is granted on the matter.

Coun. LYONS—Mr. President, last week we had quite a bit of discussion in this Body about the proposed doing away with the five-cent Elevated riding zones as it affected people in different parts of the city, Roslindale and other sections. The proposed reduction in the five-cent riding zones, unless something is done about it, goes into effect November 1. I understand that neither the Mayor nor anybody else has effected anything that will hold up the putting into operation of the new schedule. The Elevated service covers fourteen cities and towns of the metropolitan district, and the proposed new schedule, unless something is done to hold it up, will go into effect on the first of November, and after that probably nothing can be done about it. I have, therefore, introduced this order requesting the Mayor to confer with the Department of Public Utilities in an endeavor to hold up the establishment of the new schedule until such time as a public hearing may be given on the matter by the Department of Public Utilities.

Coun. CAREY—Mr. President, I think the order offered by the gentleman from Ward 20 is an excellent one. I understand that there is considerable confusion on the part of operators of buses and street cars as to what is to happen with the putting into effect of this new fare schedule. This is a very important matter, and it has some interesting side angles. For example, we have at the present time too many one-man street cars and one-man buses, and the one-man operator of these cars and buses is held responsible for the safety of the riders on those vehicles. If anything happens to any of them he has to go to court, and the responsibility placed upon him of watching passengers getting on and off the cars, in addition to his duties as an operator of the conveyance, is altogether too great. It would seem that the present responsibility is to be increased by this proposed new plan and, therefore, I think it should be given very serious consideration before it goes into effect. Certainly the riders have an opportunity to be heard before the change is made effective. I feel, therefore, that the order which the councilor has introduced is a good one and should be passed.

The order was passed under suspension of the rule.

SIDEWALK, WYMAN STREET, WARD 10.

Coun. CAREY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install an asphalt sidewalk in front of 86 Wyman street, Ward 10, under the W. P. A. plan of construction.

Passed under suspension of the rule.

RECONDITIONING OF ORCHARD PARK.

Coun. McMAHON offered the following:

Ordered, That his Honor the Mayor be requested to direct the Park Commissioner to include in the 1940 budget estimates a sum sufficient to provide for the reconditioning of Orchard park and also the erection of an iron fence around said Orchard park and the construction of new walks; and he it further

Ordered, That the Park Commissioner provide also for sufficient funds for the complete reconditioning of the present playground facilities and the addition of new facilities.

Passed under suspension of the rule.

WILLIAM EUSTIS PLAYGROUND  
IMPROVEMENTS.

Coun. McMAHON offered the following:

Ordered, That his Honor the Mayor be requested to direct the Park Commissioner to include in the 1940 budget estimates sufficient funds to provide for resurfacing the William Eustis Playground, and also for the complete renovation of the locker building at this playground.

Passed under suspension of the rule.

FIVE-CENT FARE, SAVIN HILL-DUDLEY  
STREET.

Coun. HUTCHINSON offered the following:

Ordered, That the Boston Elevated Trustees be requested, through his Honor the Mayor, to restore the five-cent fare on bus lines from Savin Hill to Dudley street, and Savin Hill to Codman square.

Passed under suspension of the rule.

THE NEXT MEETING.

The Council voted, on motion of Coun. IRWIN, that when it adjourn it he to meet on Monday, November 13, 1939, at 2 p. m.

BARRY PLAYGROUND IMPROVEMENTS.

Coun. GALVIN offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to present for approval as a W. P. A. project plans for the enlargement of the locker and shower building on the Barry Playground, Ward 2.

Passed under suspension of the rule.

ONE-WAY STREETS, WARD 2.

Coun. GALVIN offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make Austin and Chapman streets, Ward 2, one way from Lawrence street to Main street.

Passed under suspension of the rule.

LIQUOR LICENSE NEAR TRINITY  
CHURCH.

Coun. CHASE offered the following:

Whereas, The Boston Licensing Board has an application pending before them for a transfer of a liquor license from Charlestown to Clarendon street, about thirty feet opposite the Trinity Church; and

Whereas, The Boston City Council is of the opinion that the Boston Licensing Board should not grant liquor licenses in the future in the near vicinity of churches; therefore, be it

Resolved, That the Boston Licensing Board reject such application for transfer on the grounds that it is too near a place of worship; and be it further

Resolved, That a copy of this resolution be sent to the Licensing Board.

Passed under suspension of the rule.

CORRECTION IN "PLEBISCITE" SPEECH  
OF OCTOBER 23.

Coun. WILSON—Mr. President, I would like with unanimous consent to make a statement with reference to the minutes of October 23. On page 445 of the City Council Minutes of October 23, with reference to a "plebiscite" on Federal housing in Boston, I am represented as saying that the project referred to may involve the expenditure of \$119,000,000. It should be \$191,000,000. While on my feet, after making the correction, I would like to ask the clerk if there has come through the Mayor any response to my request with reference to having a plebiscite at the coming city election on Federal housing in Boston, or on the order asking the Boston Housing Authority, through the Mayor, to advise the City Council whether a two per cent commission is being paid to authorized persons obtaining signed options on parcels of real estate incident to plans for the contemplated new housing projects.

President MURRAY—The Chair is informed that there has been no response.

## ACTION ON FIVE-CENT FARE ROUTES.

Coun. SULLIVAN offered the following:

Ordered, That the trustees of the Boston Elevated be requested, through his Honor the Mayor, to defer action on the matter of changing five-cent fare routes in Brighton area until public hearings have been held.

Whereas, The Mayors and Selectmen of the metropolitan area, under the leadership of Mayor Tobin, by reason of their representations before the Boston Elevated Trustees, were successful in halting the abandonment of all five-cent fares some months ago; therefore, be it

Resolved, That such officials be again requested to confer with Elevated officials to halt the partial rescission of five-cent fares in the metropolitan area.

On motion of Coun. TAYLOR the order was amended by including every section of Boston as well as Brighton.

The question came on the passage of the order and adoption of the resolution.

Coun. SULLIVAN—Mr. President, some months ago, when the abandonment of five-cent fares was proposed by the Boston Elevated Trustees, the Mayors and Selectmen of the metropolitan area, under the leadership of Mayor Tobin, were successful, in their representations to the trustees, in halting the abandonment of the five-cent fares at that time. Mayor Tobin and the Corporation Counsel were successful in the metropolitan area in bringing about that result, the trustees being then induced to abandon their plan. I believe, therefore, that if the Mayor, with the backing of the people of the metropolitan area, appeals at this time to the Elevated officials to at least halt the present plan of reducing the five-cent fare routes until public hearings have been held, attention will be paid to that request. All these people who are getting the benefit of five-cent fares are also helping to pay the deficit, and at a time like this, when such unusual burdens are being placed upon the taxpayers, I believe we should not add to their troubles by curtailing the five-cent zone areas. I believe the continuance of these five-cent fares is of extreme importance to all of our people, and I believe it is up to the trustees to observe the wishes of the people.

The order was passed under suspension of the rule.

Adjourned, on motion of Coun. IRWIN, at 4.02 p. m., to meet on Monday, November 13, 1939, at 2 p. m.

## CORRECTION.

In the October 23 minutes, in the debate on "Five-Cent Fare Zones," Coun. Chase, on page 442, second column, was reported as saying:

"Mr. President, I can see no logic or reason which should actuate the trustees of the Boston Elevated in permitting a five-cent fare from Arlington Heights to practically every other part of the road and require a ten-cent fare from Roxbury Crossing to Berkeley street and Tremont".

The word "five," referring to the fare from Arlington Heights, should be "ten."



## CITY OF BOSTON.

## Proceedings of City Council.

Monday, November 13, 1939.

Regular meeting of City Council in Council Chamber, City Hall, at 2 p. m., President MURRAY in the chair. Absent, Coun. Fish, Lyons, Norton and Shattuck.

## JURORS DRAWN.

Traverse jurors were drawn under the law for the Superior Civil and Criminal Courts, to appear December 4, 1939 (Coun. KELLY presiding at the box, in the absence of the Mayor), as follows:

Eighty-four traverse jurors, Superior Criminal Court, to appear December 4, 1939:

Salvy Cosco, Ward 1; Louis A. Cozzi, Ward 1; Michael A. DiPasquale, Ward 1; Andrew T. Hartery, Ward 1; John L. Oakes, Ward 1; Michael J. Donovan, Ward 2; James A. Lynch, Ward 2; Daniel J. Toland, Ward 2; Nathan Finkelstein, Ward 3; Andrew Hansen, Ward 3; Jeremiah A. Langone, Ward 3; Jerome L. Porter, Ward 4; Lewis O. Richardson, Ward 4; Martin F. Sullivan, Ward 4; William J. Wilson, Ward 4; Frederiek J. Bradlee, Jr., Ward 5; Joseph E. Delay, Ward 5; Elijah S. Gorney, Ward 5; Paul E. Nickerson, Ward 5; Louis E. Ochs, Ward 5; Arthur L. Tirrell, Ward 5; Frank J. O'Brien, Ward 6; Edward R. O'Toole, Ward 6; Thomas J. Cooney, Jr., Ward 7; Thomas P. Foley, Ward 7; Joseph Glennon, Ward 7; John M. Green, Ward 7; George B. Menslage, Ward 7; James William Milne, Ward 7; John D. Slattery, Ward 7; Robert E. Aspell, Ward 8; Martin J. Berry, Ward 8; James J. Elliott, Ward 8; John McLellan, Ward 8; Charles E. Adley, Ward 9; James E. Brushingham, Ward 9; Richard L. Courtney, Ward 9; Herbert S. Foster, Ward 9; William A. Connell, Ward 10; John J. Hallisey, Ward 10; Francis J. O'Brien, Ward 10; Albert C. Shea, Ward 10; John Timothy Casey, Ward 11; Alfred E. MacEwan, Ward 11; Gerald E. Nyen, Ward 11; John E. O'Brien, Ward 11; William P. Burns, Ward 12; Joseph T. Daly, Ward 12; Arthur Hand, Ward 12; Maurice J. Hoar, Ward 12; Thomas A. Senior, Ward 12; Norman Thompson, Ward 12; Leo W. Barter, Ward 13; Philip D. Welch, Ward 13; Abraham D. Barker, Ward 14; Max Chansky, Ward 14; Bernard E. Goldman, Ward 14; Christian W. Mayer, Ward 14; Harry Reinstein, Ward 14; Emory E. Colburn, Ward 15; John A. Higgins, Ward 15; Harry G. Kinlund, Ward 15; Charles F. Smith, Ward 15; Stanley Hibbert, Ward 16; Michael W. Hynes, Ward 16; Joseph H. Morris, Ward 16; Hezekiah M. Chase, Ward 17; William F. Law, Ward 17; Forrest W. George, Ward 18; Fred D. A. King, Ward 18; John Hoferberger, Ward 19; Daniel T. Reilly, Ward 19; George B. Smith, Ward 19; Fred Martin, Ward 20; Alfred H. McGinchee, Ward 20; Ernest W. Perkins, Ward 20; William Van Gemert, Ward 20; Arthur A. Caravan, Ward 21; Joseph F. Cardinal, Ward 21; Paul A. Harold, Ward 21; Harry A. Higgins, Ward 21; Edward A. Kennedy, Ward 21; William James Cotter, Ward 22; Ralph Willard, Ward 22.

One hundred fifteen traverse jurors, Superior Civil Court, to appear December 4, 1939:

Maurice J. Blaquiene, Ward 1; John T. Conway, Ward 1; Emilio F. Disario, Ward 1; Leo Fobert, Ward 1; Francis E. McIntyre, Ward 1; Michael J. Preston, Ward 1; John L. Brennan, Jr., Ward 2; John F. Lambert, Ward 2; Walter L. Barr, Ward 3; Edward F. Donovan, Ward 3; Fred A. Morin, Ward 3; Edward F. Andrews, Ward 4; John A. Cummings, Ward 4; Harry C. Demeter, Ward 4; Duncan N. MacPhail, Ward 4; Peter J. Nee, Ward 4; John J. Pearlman, Ward 4; William E. Desjardins, Ward 5; John J. McLean, Ward 5; Richard K. Thorndike, Ward 5; James F. Burns, Ward 6; Frederic H. Hanson, Ward 6; William H.

Kiley, Ward 6; Albert Malcolm, Ward 6; Carl Stevens, Ward 6; George R. Harris, Ward 7; James J. Hurley, Ward 7; Michael Kirby, Ward 7; John J. Lynch, Ward 7; Francis G. Martick, Ward 7; Walter F. Pinkos, Ward 7; Wallace D. Gillis, Ward 8; John J. O'Brien, Ward 8; Michael J. Hurley, Ward 9; John Looney, Ward 9; John J. McCarthy, Ward 9; Francis F. McElroy, Ward 9; William O'Malley, Ward 9; Patrick J. Tansey, Ward 9; Hugh J. Collins, Ward 10; Thomas J. Hannon, Ward 10; Joseph Francis Donnelly, Ward 11; William Schneider, Ward 11; Charles D. Thompson, Ward 11; Joseph F. Carter, Ward 12; William A. Coleman, Ward 12; John T. Dickerson, Ward 12; John E. Leonard, Ward 12; John J. McDonald, Ward 12; Ralph Ryan, Ward 12; Joseph F. Varnerin, Ward 12; Stephen A. Courtney, Ward 13; Joseph E. Pelland, Ward 13; Morris H. Schneiderman, Ward 13; Frank J. White, Ward 13; Morris Bloom, Ward 14; Saul Blumenthal, Ward 14; Maurice M. Dubin, Ward 14; Samuel Kessler, Ward 14; Max Lepie, Ward 14; John A. Mahoney, Ward 14; Albert Olem, Ward 14; Jacob Prenovitz, Ward 14; Christian O. G. Sandberg, Ward 14; Isadore M. Schnitkind, Ward 14; Henry Waldman, Ward 14; Howard L. Hinckley, Ward 15; Peter F. Holloran, Ward 15; Edward D. Keane, Ward 15; Francis T. Russell, Ward 15; James McLaughlin, Ward 16; Charles W. Newell, Ward 16; George J. Rommell, Ward 16; Daniel D. Shea, Ward 16; Edward C. Bennett, Ward 17; William J. Brennan, Ward 17; James J. Giblin, Ward 17; Frederiek F. Redgate, Ward 17; Richard G. Sampson, Ward 17; Arthur D. Berry, Ward 18; Edward L. Doyle, Ward 18; Edward Noyes, Ward 18; Clarence W. Pease, Ward 18; Edward J. Ryan, Ward 18; James J. Tobin, Ward 18; John J. Conley, Ward 19; Charles W. Cummings, Ward 19; Michael W. Donovan, Ward 19; James G. Keating, Ward 19; Joseph H. Kelley, Ward 19; Wilbert T. Marshall, Ward 19; Ernest S. Nassar, Ward 19; Daniel F. O'Callaghan, Ward 19; Frank Pierce, Ward 19; Joseph W. Volk, Ward 19; Otto A. Betzga, Ward 20; William S. Doherty, Ward 20; John F. Hogan, Ward 20; John E. Hutton, Ward 20; Roy S. Keene, Ward 20; John M. Lane, Ward 20; Charles J. Pabst, Ward 20; Jeremiah D. Riordan, Ward 20; Joseph L. Williams, Ward 20; George Cohen, Ward 21; Joseph M. Gould, Ward 21; William M. Horn, Ward 21; Lloyd H. Miller, Ward 21; Howard F. Meyers, Ward 21; Lawrence S. Slater, Ward 21; John W. Broderick, Ward 22; John A. Donovan, Ward 22; William A. Kelly, Ward 22; Francis E. Noonan, Ward 22; Edward J. Ryan, Ward 22.

## VETO OF NAME "CHARLES E. MACKEY SQUARE."

The following was received:

City of Boston,  
Office of the Mayor, November 8, 1939.  
To the City Council.

Gentlemen,—I return herewith, without my signature and disapproved, the order of your Honorable Body to name the junction of Preble street and Old Colony avenue, Charles E. Mackey square.

This particular location in 1920 was designated Thomas S. Lawton square, in honor of a soldier who lost his life in the service of the United States in the World War, and it is evident that the pending order was passed without the Council being in possession of that information.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

## RESCISSION OF PORTION OF P. W. A. LOANS.

The following was received:

City of Boston,  
Office of the Mayor, November 13, 1939.  
To the City Council.

Gentlemen,—I submit herewith four orders providing for the rescission of a portion of the authority granted by your Honorable Body in previous years to issue loans to meet the cost of

four P. W. A. projects. The projects and amount involved in these orders are as follows:

High School of Practical Arts, Alterations and Additions.....	\$106,500
William Howard Taft School, Additions, Robert Gould Shaw School, Gymnasium, Assembly Hall and Incidental Additions.....	336,000
Trade School, Additions and Alterations,	1,000
	50,000
	<u>\$493,500</u>

Work on the above projects has either actually been completed or will be completed shortly. Because of the receipt of grant payments from the Federal Government it will not be necessary for the city to issue the balances remaining in the original loan authorization. In order to remove this surplus loan authorization from the books and records of the city the adoption of the rescission orders is necessary. I respectfully recommend therefor adoption of the accompanying orders.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That the right to borrow money for High School of Practical Arts, Alterations and Additions, under authority of chapter 366, as amended, approved by the Mayor on June 1, 1937, be limited to \$50,000, and that the authorization to borrow in excess of said amount for said purposes, be, and the same hereby is, rescinded.

Ordered, That the right to borrow money for William Howard Taft School, Additions, under authority of chapter 366, Acts of 1933, as amended, approved by the Mayor on June 1, 1937, be limited to \$110,000, and that the authorization to borrow in excess of said amount for said purpose, be, and the same hereby is, rescinded.

Ordered, That the right to borrow money for Robert Gould Shaw School, Gymnasium, Assembly Hall and Incidental Additions, under authority of chapter 366, Acts of 1933, as amended, approved by the Mayor on July 19, 1938, be, and hereby is, rescinded.

Ordered, That the right to borrow money for Trade School, Additions and Alterations, under authority of chapter 366, Acts of 1933, as amended, approved by the Mayor on October 29, 1935, be limited to \$40,000, and that the authorization to borrow in excess of said amount for said purpose, be, and the same hereby is, rescinded.

Referred to Committee on Finance.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the following appointments were received, viz:

Weighers of Goods: Clarence E. Taylor, 1415 Commonwealth avenue, Allston, Mass.; Robert J. Casey, 20 Tennyson street, West Roxbury, Mass.; Francis O. Grant, 29 Magnolia street, Roxbury, Mass.; Charles V. Hurley, 1550 Columbia road, South Boston, Mass.; Richard T. Fay, 253 Cummins Highway, Roslindale, Mass.

Weighers of Coal: Mrs. L. F. Picardi, 41 Cambridge street, Revere, Mass.; Mr. Michael Pettine, 337 West Third street, South Boston, Mass.; John Carr, 159 Cottage street, Dorchester, Mass.; George Doherty, 105 Vernon street, Roxbury, Mass.; Benjamin Bishop, 345 Summer street, Somerville, Mass.; Hugh MacKenzie, 1001 Washington street, Roxbury, Mass.

Severally laid over a week under the law.

HEAVY TRUCKING, WELD AND WATER STREETS.

The following was received:

City of Boston,  
Office of the Mayor, November 13, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Traffic Commissioner relative to your order of October 23, 1939, concerning the prohibiting of heavy trucking on Weld and Walter streets, via Centre street, Ward 20.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Traffic Commission, November 10, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated October 23, 1939, which reads as follows:

“Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to prohibit heavy trucking on Weld and Walter streets, via Centre street, Ward 20.”

During this year, this commission excluded heavy trucks from Allandale street, South street and Robert street, in the Roslindale section of West Roxbury.

The existing rules restrict available truck routes to such an extent that the normal delivery of merchandise is stultified in the entire area.

At a meeting of this commission held on November 9, 1939, these facts were considered and it was felt that to further restrict the available routes for trucking by excluding trucks from Weld and Walter streets would visit a serious hardship on truck owners. It was, therefore, voted to reject the request contained in the Council order.

Respectfully yours,  
WILLIAM P. HICKEY,  
Commissioner.

Placed on file.

TRANSFER OF \$25,000 FROM PARKMAN FUND.

The following was received:

City of Boston,  
Office of the Mayor, November 13, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Board of Park Commissioners requesting the transfer of the sum of \$25,000 from the income of the George F. Parkman Fund to the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887.

I submit herewith an appropriation order and respectfully recommend its immediate passage by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, November 7, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—By vote of the Board of Park Commissioners you are respectfully asked to request the City Council to transfer from the income of the George F. Parkman Fund the sum of \$25,000 which is now available, to be expended under the direction of the Board of Park Commissioners as follows:

Common and Parks in Existence on January 12, 1887, Maintenance and Improvement of . . . . .	\$25,000
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When making up the budget estimates for the year 1939, a sum equal to the total yearly income of the George F. Parkman Fund was deducted from Item A-1, Permanent Employees, with the understanding that this deduction was to be replaced by the total yearly income of said Parkman Fund for 1939, to be transferred as it accrued from time to time during the year to the regular maintenance appropriation of the Park Department.

Respectfully yours,  
WILLIAM P. LONG, Chairman.

Ordered, That the sum of \$25,000 be, and hereby is, appropriated from the income of the George F. Parkman Fund, to be expended under the direction of the Park Commissioners, for the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887, as follows:

Common and Parks in Existence on January 12, 1887, Maintenance and Improvement of . . . . .	\$25,000
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Referred to Executive Committee.

**RESURFACING OF WARD 8 STREETS.**

The following was received:

City of Boston,

Office of the Mayor, November 10, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 9, 1939, concerning the resurfacing of the following streets in Ward 8, under the W. P. A. plan of construction: Batchelder street, Leyland street.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
October 31, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface the following streets in Ward 8, under the W. P. A. plan of construction: Batchelder street, Leyland street.

Please be advised that the above-named two streets are on approved W. P. A. projects and it is expected that the reconstruction of same will start some time during the early part of next year.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

**AGE REQUIREMENTS FOR KINDERGARTENS.**

The following was received:

City of Boston,

Office of the Mayor, November 10, 1939.

To the City Council.

Gentlemen,—I transmit herewith a letter from the School Committee Secretary relative to your order of September 25, 1939, concerning the admittance to the kindergartens this year of children who have reached the age of four years, six months on or before October 1, and to admit to the first grade children who were five years, six months on or before that date.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, October 10, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a meeting of the City Council on September 25, 1939, an order was passed requesting the School Committee, through your Honor, to admit to the kindergartens this year children who have reached the age of four years, six months on or before October 1, and to admit to the first grade children who were five years, six months on or before that date.

The School Committee has directed me to inform the Council, through your Honor, that under the regulations, four years, six months on September 1 is the age established for admission to the kindergartens, and five years, six months on September 1 is the age for admission to the first grade. This year the School Committee modified this requirement, for this year only, so as to permit children who were four years, six months on September 7, the opening day of school, to enter the kindergartens and agreed to five years, six months on September 7, for admission to the first grade.

The School Committee believes that the age as now established is educationally sound and in conformity with the educational policy throughout the country. It seems to the Committee that it is inadvisable to make further change in the admission age requirement this year.

Respectfully yours,

ELLEN M. CRONIN, Secretary.

Placed on file.

**FUEL DELIVERIES TO WELFARE RECIPIENTS.**

The following was received:

City of Boston,

Office of the Mayor, November 10, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Acting Executive Director of the Public

Welfare Department relative to your order of October 9, 1939, concerning fuel deliveries to recipients of relief from that department.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Overseers of the Public Welfare,  
November 2, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have received your letter and a copy of the City Council order regarding fuel deliveries to recipients of relief from this department.

During the month of October special grants for fuel were made in emergency cases. Regular deliveries of fuel commenced November 1, 1939.

Very truly yours,

DANIEL A. MURPHY,  
Acting Executive Director.

Placed on file.

**ADDITIONAL PATROLMEN, GROVE HALL SECTION.**

The following was received.

City of Boston,

Office of the Mayor, November 10, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Police Commissioner relative to your order of October 23, 1939, concerning the assigning of additional foot patrolmen to police the outlying area of the Grove Hall section of Dorchester, particularly from Quincy street and Blue Hill avenue to Columbia road and Quincy street, over Washington street to Columbia road, more particularly in night patrol of the district.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Police Department, November 6, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

My dear Mr. Doyle,—I have your communication of October 31, together with order of the City Council relative to the assignment of additional foot patrolmen to the Grove Hall section of Dorchester.

This area is covered at all times by a radio car, and is known as Sector 9-R. This section also comprises Routes 15 and 16 and there are two foot patrolmen assigned there during the daytime and first-half nights. As Route 16 is a dividing route it is necessary to divide it on the last-half or morning watch.

Under the circumstances, and in view of the limited number of patrolmen available, it would appear that this section is being covered as well as possible.

Very truly yours,

JOSEPH F. TIMILTY,  
Police Commissioner.

Placed on file.

**ADDITIONAL FIREMEN.**

The following was received:

City of Boston,

Office of the Mayor, November 10, 1939.

To the City Council.

Gentlemen,—I transmit herewith a letter from the Fire Commissioner relative to your order of October 23, 1939, concerning the advisability of placing additional firemen in the Boston Fire Department to fill the vacancies caused by death, retirement, etc.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Fire Department, November 2, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—With reference to the City Council order of October 23, 1939, concerning the advisability of placing additional firemen in the Boston Fire Department to fill the vacancies caused by death, retirements, etc., I wish to report that it is the desire of the Fire Commissioner that there be never less than one thousand active privates available for duty under our

present two-platoon system, and that all vacancies in the ranks of the officers be filled as quickly as possible.

In conformity with this belief vacancies in the officers' ranks have been filled promptly during the year 1938 and up to the present time. Now there are few vacancies and these places will be filled as soon as new privates are available to replace the officers promoted.

At the present time we have about nine hundred privates available for active duty at fires. There are fifty disabled men in our Fire Prevention Bureau, and the normal average on injured leave runs from twenty-five to fifty, plus another twenty-five assigned to the Shop, Fire Alarm Division, etc.

It is the hope of the Fire Commissioner that within a short period of time that the firemen's hours, now eighty-four a week, will be reduced to seventy-six hours. This can be done by installation of what is known as the "elimination shift," now in operation in Cambridge and other communities near Boston. Installation of this shift will require the addition of one man for every man in the department. By retrenchment and by consolidation I am hoping that, when possible, 100 privates will be appointed to the department, and at the same time we will be able to install the elimination shift in the downtown fire houses.

By reorganizing the hours of the firemen and by effecting consolidations this plan can be worked out so that it will not cost the taxpayers any more money than the pay roll for the Fire Department was for 1938.

Respectfully yours,  
WM. ARTHUR REILLY,  
Fire Commissioner.

Placed on file.

SIDEWALK, HAWTHORNE STREET,  
WARD 19.

The following was received:

City of Boston,  
Office of the Mayor, November 10, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 30, 1939, concerning the construction of a tar sidewalk along both sides of Hawthorne street, Ward 19, as a W. P. A. project.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
November 6, 1939.

Mr. William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works construct a tar sidewalk along both sides of Hawthorne street, Ward 19, as a W. P. A. project.

Please be advised that this work will be submitted on a W. P. A. project for approval and to be constructed next year.

Respectfully,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

#### INTEREST ON TAX BILLS.

The following was received:

City of Boston,  
Office of the Mayor, November 10, 1939.  
To the City Council.  
Gentlemen,—I transmit herewith letter from the City Collector relative to your order of October 23, 1939, concerning the rescinding of his decision to charge all taxpayers who do not make payments on or before November 1st, interest on their bills retroactive to October 1st.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Collecting Department, November 2, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston,

Dear Sir,—Referring to the memorandum from your office, dated October 31, 1939, regarding City Council order of October 23, 1939, reading as follows:

"Ordered, That the City Collector be requested, through his Honor the Mayor, to rescind his decision to charge all taxpayers who do not make payments on or before November 1st, interest on their bills retroactive to October 1st." The collector has made no decision that taxpayers who do not make payments on or before November 1st shall be charged interest on their bills retroactive to October 1st.

I regret extremely that this is not within my discretionary power, but the matter of interest to be charged is covered by section 57 of chapter 59 of the General Laws, which provides that, "Interest shall be paid . . . on all taxes remaining unpaid after November first of the year in which they are payable, computed from October first of such year . . ."

Yours respectfully,  
MERRITT THOMPSON,  
City Collector.

Placed on file.

#### BARRY PLAYGROUND IMPROVEMENTS.

The following was received:

City of Boston,  
Office of the Mayor, November 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Park Department relative to your order of October 30, 1939, concerning the presenting for approval as a W. P. A. project plans for the enlargement of the locker and shower building on the Barry Playground, Ward 2.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, November 2, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of November 1, with inclosure, order from the City Council regarding a project for the enlargement of the locker and shower building at the Barry Playground.

Please be assured this matter will be given immediate investigation and studies submitted.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### WORCESTER SQUARE IMPROVEMENTS.

The following was received:

City of Boston,  
Office of the Mayor, November 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Park Department relative to your order of October 23, 1939, concerning the arranging of a W. P. A. project for the construction of cement walks through the park reservation in Worcester square.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, November 2, 1939.  
William T. Doyle,  
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of October 31, with inclosure, order from the City Council regarding the possible project to construct concrete walks in Worcester square.

Please be assured this matter will be taken up with the W. P. A. authorities at the earliest possible moment, and a project for these walks will be prepared, if they will sanction same.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

#### SHOWER BATHS, AQUARIUM.

The following was received:

City of Boston,  
Office of the Mayor, November 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Park Department relative to your order of October 23, 1939, concerning the



making of necessary repairs to the shower baths in the Aquarium for the use of the boys who now play football nearby.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, November 1, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of October 31, with inclosure, order from the City Council relative to repairs to the shower baths in the Aquarium, etc.

The shower baths in question have been discontinued for a number of years, due to the fact that the high-water level is only eight inches below the floor of the Aquarium. At high tide this water cannot be carried away, and the continuous run of water, if showers were made available at all times, would flood the basement of the Aquarium.

The Aquarium basement has thousands of dollars' worth of material there which I could not allow to be damaged by water.

I will, however, have the showers gone over and it might be possible to use them on a Sunday afternoon for an hour or two, but continuous showers are out of the question.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

WILLIAM EUSTIS PLAYGROUND IMPROVEMENTS.

The following was received:

City of Boston,  
Office of the Mayor, November 6, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Park Department Chairman relative to your order of October 30, 1939, concerning the inclusion in the 1940 budget estimates of sufficient funds to provide for resurfacing the William Eustis Playground, and also for the complete renovation of the Locker Building at this playground.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, November 3, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of November 1, with inclosure, order from the City Council requesting estimates for the 1940 budget to provide funds for resurfacing William Eustis Playground, also renovation of the Locker Building.

I assure you it will be a pleasure to take this up with the Budget Commissioner in submitting my budget for 1940.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

ORCHARD PARK IMPROVEMENTS.

The following was received

City of Boston,  
Office of the Mayor, November 10, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Park Department relative to your order of October 30, 1939, concerning a sufficient sum to be placed in the 1940 budget to recondition the fence and new walks in Orchard park.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, November 4, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of November 1, with inclosure, order from the City Council requesting a sufficient sum to be placed in the 1940 budget to recondition the fence and new walks in Orchard park.

I will be pleased to submit an estimate in the 1940 budget to comply with the request of the City Council.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

SIDEWALK, WYMAN STREET, WARD 10.

The following was received

City of Boston,  
Office of the Mayor, November 10, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 30, 1939, concerning the installation of an asphalt sidewalk in front of 86 Wyman street, Ward 10, under the W. P. A. plan of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
November 6, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works install an asphalt sidewalk in front of 86 Wyman street, Ward 10, under the W. P. A. plan of construction.

Upon investigation I find that the sidewalk at the location mentioned in the Council order is of artificial stone construction and in good condition.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

REOPENING OF RETIREMENT SYSTEM.

The following was received

City of Boston,  
Office of the Mayor, November 9, 1939.  
To the City Council.

Gentlemen,—I transmit herewith a communication from the Boston Retirement Board in answer to your order of October 23, 1939, to consider the advisability of reopening the system to employees who failed to join it in 1923.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Boston Retirement Board,  
October 27, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—This is in answer to the order of the City Council requesting the Boston Retirement Board to consider the advisability of reopening the System to permit school teachers who failed to join it in 1923 to now become members.

The statute allows any present employee who failed to join the System in 1923 to come in at any time as a "New Entrant" by renouncing his other pension benefits, but, of course, the intention of the order is to permit this class of employees now to join and in some way obtain credit for service during the intervening time.

This matter was agitated on several occasions and the Retirement Board and the various Mayors gave it very careful consideration.

The System was held open for a year beginning February 1, 1923, and was reopened in 1925. Without advising or urging any employee to join, every effort was made to present to the school teachers the presumed advantages to them of the contributory retirement system over their own free pension system. The question was fully discussed by the various teachers' organizations and a considerable number of teachers chose to remain in the old system.

Sixteen years have elapsed, and to obtain the required legislation to reopen the System would take two years more, making a total of eighteen years. In those eighteen years the contributions, with interest at four per cent compounded annually, of the teachers and other employees who joined the System in the beginning will have amounted in each case to a sum approximately equal to the average yearly salary for the period.

Therefore, to allow those who failed to enter the System to join it in 1941 on the same basis and with the same benefits as those who joined it in 1923, it would be necessary to exact from each of them the contribution of a year's salary. Any other course would be obviously unfair to those who have contributed four per cent of their salaries yearly for the past sixteen years.

In view of the almost prohibitive contribution required and the additional financial burden

which would be entailed on the city, the Board is of the opinion that the circumstances do not require or warrant the reopening of the System.

Respectfully,  
W. J. DOYLE, Chairman.

Placed on file.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

##### Claims.

John H. Black, for compensation for damage to car by city truck.

Lawrence C. Bolinder, for compensation for injuries and damage to car caused by an alleged defect in Minot street, Dorchester.

Henry V. Carvill, for compensation for damage to car caused by an alleged defect in Huntington avenue.

Salvatore Cascone, for compensation for damage to car by city truck.

Marie Christensen, for compensation for damage to property at 302 Neponset Valley Parkway, caused by stoppage in sewer.

Katherine M. Cleary, for compensation for injuries caused by an alleged defect in Bellevue street.

Alfred A. Cutler, for compensation for damage to car caused by an alleged defect at Highland and Cedar streets.

Bernard F. Glynn, to be reimbursed for judgment issued against him an account of his acts as employee of Public Works Department.

Joseph P. Kelley, for compensation for damage to car by city truck.

Edith K. Leonard, to be reimbursed for expenses incurred in installing water pipe at 154 Rosseter street.

John Manganaro, for compensation for loss of tools and equipment at Dewey Beach.

Salvatore Molito, for compensation for damage to property at 554 Fifth street, caused by water being shut off.

Neil M. Murphy, to be reimbursed for judgment issued against him.

Esther Natol, for compensation for damage to car caused by an alleged defect in Longwood avenue.

Mrs. Charles J. Powers, for compensation for injuries caused by an alleged defect at Longwood avenue and St. Alphonsus street.

Nathan Sable, for refund on plumbing permit.

Harold L. Segal, for compensation for damage to car caused by an alleged defect in Decatur street.

William J. Stockman, for compensation for damage to car by garbage men.

Lily Wong, for compensation for injuries caused by city car.

##### Committee on Jitney Licenses.

Petition of Boston Elevated Railway for license to operate motor vehicles between Boston-Brookline line at Huntington avenue and junction of South Huntington avenue and Heath street, over Huntington avenue and South Huntington avenue.

##### Executive.

Petition of Julia V. Quirk, to be paid annuity on account of death of her husband, Michael F. Quirk, late member of Fire Department.

Petition of Charlotte M. Sullivan, to be paid an annuity on account of death of her husband, Michael D. Sullivan, late member of Fire Department.

##### Committee on Ordinances.

Petition from lessees of Faneuil Hall Market petitioning that in order to comply with Federal Wage and Hour law they be allowed to close market at 4 p. m. daily.

#### CONSTABLE'S BOND.

The constable's bond of James J. McNamee, having been duly approved by the City Treasurer, was received and approved.

#### APPOINTMENTS TO BOSTON PORT AUTHORITY.

Notice was received from the Secretary of State of appointment of Thomas A. Pappas of Belmont as member of the Board of Boston Port Authority.

Notice was received from the Mayor of the appointment of Louis E. Kirstein of 333 Commonwealth avenue, Boston, and John F. Fitzgerald of 21 Beacon street, Boston, to be members of Boston Port Authority for term ending 1946.

Severally placed on file.

#### APPOINTMENT OF CHAIRMAN, FINANCE COMMISSION.

Notice was received from the Secretary of State, of appointment by the Governor of Charles M. Storey of Boston as member of Boston Finance Commission and his designation as chairman.

Placed on file.

#### APPOINTMENT OF JAMES F. McDERMOTT.

Notice was received from the Secretary of State of appointment by the Governor of James F. McDermott as Clerk of Court, Superior Court, Civil Business, Suffolk County.

Placed on file.

#### TRACK LOCATION, BOSTON ELEVATED.

Notice was received from the Board of Street Commissioners of 96th location granted to Boston Elevated Railway Company, being double track in Blue Hill avenue, from and connecting with existing double track at American Legion Highway, to and connecting with existing double track south of McLellan street, right-hand cross-over in Blue Hill avenue, opposite McLellan street, relocation of existing bumper from opposite Charlotte street to a point south of McLellan street.

Placed on file.

#### APPROVAL OF \$1,300,000 LOAN.

Notice was received from the Emergency Finance Board of approval of loan for Public Welfare and Soldiers' Relief Departments, amounting to \$1,300,000, term of loan being set for ten years.

Placed on file.

#### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President MURRAY called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor October 30, 1939, of Walter Henderson and George Crompton, to be Weighers of Goods; and George Crompton, to be a Weigher of Coal.

The question came on confirmation of the appointments. Committee, Coun. Carey and Chase. Whole number of ballots 12, yes 10, no 2, and the appointments were confirmed.

#### STATUS OF YOUNG'S HOTEL TAXES.

Coun. WILSON offered the following:  
Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to promptly advise the City Council:

1. The exact status of the tax title proceedings with reference to the so-called Young's Hotel property.

2. The amount of unpaid taxes, interest and costs, in detail, still outstanding against this property.

Ordered, That the City Collector be requested, through his Honor the Mayor, to advise the City Council the amount due the City of Boston for each tax year from the owners of the so-called Young's Hotel property, including accrued unpaid taxes, interest and costs.

Coun. WILSON—It appears that after many months the various divisions of the Municipal Court have finally been moved back to Pemberton square, which leaves the Young's Hotel property again vacant. I have been somewhat surprised during the years at the advantageous position of the property which, we might say, is included in the so-called "favored nation clause." It would

he interesting to know the reason, when we see so many other properties all over the City of Boston sold for taxes and after several years see them put through the Land Court, to outlaw redemption of title. Of course, I realize that while the Municipal Court was in Young's Hotel we took money out of one pocket and put it into the other. In other words, we were charging money to the Court House as a county proposition, on the one hand, and on the other hand we were assured that the value of such use of the property was applied to unpaid taxes and that credit was given for the unpaid taxes, interest and costs of the preceding years. Therefore, this is now an opportune time to take account of stock and find out what outstanding taxes, interest and costs are now due on this property. If there is any amount now due and payable and outstanding, it seems to me that the time has arrived when the owners of this particular property, favored for so long, should fall in line with the rest of the taxpayers of the City of Boston.

The orders were passed under suspension of the rule.

#### SIDEWALKS, WARD 21.

Coun. AGNEW offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Bay State road, south side, 312 feet east of Ashby street (No. 278) to 260 feet easterly (No. 236), Ward 21, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Commissioner of Public Works make a sidewalk along Bay State road, south side, Ashby street to 199 feet easterly (No. 264), Ward 21, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Commissioner of Public Works make a sidewalk along Ashby street, east side, Commonwealth avenue to Bay State road, Ward 21, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Ordered, That the Commissioner of Public Works make a sidewalk along Granby street, west side, 81 feet south of Bay State road to Commonwealth avenue, Ward 21, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Severally passed under suspension of the rule.

#### SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of November.

Report accepted; said order passed.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following report on petitions for driveway openings:

Liberty Realty Trust (referred August 7), at 451 Geneva avenue, Ward 17; John J. Reardon (referred September 25), at 50 Howard street, Ward 3; Sam Wolk (referred October 30), at 1244 Massachusetts avenue, Ward 7, recommending that leave be granted.

Report accepted; leave severally granted.

#### SIDEWALK, LEYDEN STREET, WARD 1.

Coun. IRWIN offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Leyden street, at No. 161, Ward 1, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### CONFERENCE RE FIVE-CENT FARES ZONES.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to promptly arrange for a conference between the trustees of the Boston Elevated Railway Company, members of the City Council and himself, with a view to adjusting the inequalities in the schedule of five-cent fare zones recently put into effect in the various sections of Boston.

Coun. CAREY—Mr. President, we have had several orders introduced here since the change was made in the schedules of a number of five-cent fare zones. Those orders have requested that there be at least a delay and a proper study of the question before the new schedules were put into effect. Nothing seems to have been done about it, however. The change is certainly working a great deal of hardship on many riders all over our city, as well as on operators of buses and cars who are continually being called upon to explain the situation to the patrons of the road. I have seen buses delayed seven to eight minutes while the operators were trying to explain the change to riders. Certainly, our people do not understand the situation, and a great hardship is being imposed upon them by this new plan. A number of orders have been introduced here asking that the matter be more thoroughly considered, and I think it is now time that something should be done about it. The riding public are paying the freight, both in the fares they pay and in the deficits that they are obliged to help meet. It must be evident to everybody that a plan which is causing such great inconvenience and hardship, both to the public and to the operators of the buses and cars, should be carefully examined into, so that all the facts may be understood. Therefore, I have introduced this order requesting the Mayor to arrange for a conference between the trustees of the Elevated, the members of the City Council and himself, with a view to adjusting the inequalities in the schedule of five-cent fare zones recently put into effect in the various sections of Boston. I trust that such a committee will be appointed, so that we may all sit down together and talk over the disadvantages that the change has brought about, and perhaps arrive at some reasonable remedy.

The order was passed under suspension of the rule.

#### RECESS.

A recess was taken, on motion of Coun. ROSENBERG, at 2.55 p. m. The members reassembled in the Council Chamber and were called to order by President MURRAY at 3.18 p. m.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petition of Helen C. Davis (referred July 24) to be paid annuity on account of death of her husband, Thomas A. Davis, late member of the Police Department—recommending passage of the accompanying order, viz.:

Ordered, That under the provisions of chapter 340 of the Acts of 1933, an annuity of twenty-one hundred dollars be allowed and paid to Helen C. Davis, widow of Thomas A. Davis, a member of the Police Department, who died on April 13, 1939, on account of injuries received in the performance of his duty; said annuity being made up of allowances as follows:

For the widow, Helen C. Davis, so long as she remains unmarried, \$1,000 per annum. For the benefit of the following named children during such time as he or she is under the age of eighteen or over said age and physically or mentally incapacitated from earning, \$1,100 per annum: Thomas Davis, born July 18, 1924; Helen Davis, born November 17, 1925; William J. Davis, born March 24, 1927; Joseph Davis, born August 2, 1929; Rita Davis, born July 1, 1931; Richard Davis, born July 29, 1932; Jane E. Davis, born February 8, 1934—the payments to date from April 13, 1939, and to be charged to the appropriation for Police Department, Pensions and Annuities.

Report accepted; order passed.

2. Report on ordinance concerning fee of \$5 per year on cigarette or tobacco vending machines (referred June 12)—that same ought to pass.

Report accepted; ordinance passed.

3. Report on message of Mayor and order (referred today) that \$25,000 be appropriated from income of George F. Parkman Fund, to be expended under direction of Park Commissioners—that same ought to pass.

Report accepted; said order passed, yeas 15, nays 0.

Adjourned, on motion of Coun. McMAHON, at 3.22 p. m., to meet on Monday, November 20, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, November 20, 1939.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m.; President MURRAY in the chair. Absent, Coun. Harris.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighers of Coal: John F. Mahoney, 194 Broad street, Weymouth, Mass.; Henry S. Harmon, 260 Waverley street, Watertown, Mass.; George Lea, 45 Nixon street, Dorchester, Mass.

Laid over a week under the law.

## VETO OF DRIVEWAY OPENING.

The following was received:

City of Boston,

Office of the Mayor, November 14, 1939.

To the City Council.

Gentlemen,—I return herewith, without my signature and disapproved, permit granted by your Honorable Body for a driveway opening at 14-24 Brookline avenue.

I am advised by the Commissioner of Public Works that the applicant for this driveway opening now has sufficient means of entrance and exit for its place of business and in view of the fact that Brookline avenue is a congested artery, I am in agreement with the Commissioner of Public Works that additional driveway openings are not necessary or advisable at this location.

Respectfully,

MAURICE J. TOBIN, Mayor.

Placed on file.

## SIDEWALK, PERKINS STREET.

The following was received:

City of Boston,

Office of the Mayor, November 20, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 23, 1939, concerning the construction of a sidewalk along the Ward 19 side of Perkins street, Jamaica Plain, under the W. P. A. type of construction.

Respectfully,

MAURICE J. TOBIN, Mayor.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works construct a sidewalk along the Ward 19 side of Perkins street, Jamaica Plain, under the W. P. A. type of construction.

Please be advised that the sidewalk requested has now been completed and consists of bituminous concrete.

Very truly yours,

GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## RESURFACING SILVER STREET.

The following was received:

City of Boston,

Office of the Mayor, November 20, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order

of October 23, 1939, concerning the resurfacing of Silver street with smooth pavement from D to E street.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department,

November 15, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works resurface Silver street with smooth pavement from D to E street.

This will advise you that that portion of Silver street which consists at present of granite block pavement will be submitted for approval as a W. P. A. project in the early part of next year.

Very truly yours,

GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## LIGHTING FACILITIES, GROVE HALL SECTION.

The following was received:

City of Boston,

Office of the Mayor, November 20, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 23, 1939, concerning the making of an immediate inspection of the lighting facilities in the Grove Hall district with the view of installing additional street lights at strategic points in order to better light the streets and make them safe for public travel, and reduce the possibility of molestation and crime.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department,

November 14, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works make an immediate inspection of the lighting facilities in the Grove Hall district with the view of installing additional street lights at strategic points in order to better light the streets and make them safe for public travel, and reduce the possibility of molestation and crime.

Upon investigation, I find that the district mentioned is sufficiently lighted and in need of no additional lights.

Very truly yours,

GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## AMBULANCE CHASING, CITY HOSPITAL.

The following was received:

City of Boston,

Office of the Mayor, November 20, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Boston City Hospital President, Board of Trustees, relative to your order of October 23, 1939, concerning what disciplinary and corrective measures, if any, have been taken at the City Hospital with reference to certain employees and doctors acting in collusion with so-called "ambulance chasing" attorneys.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Hospital Department, November 13, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—At a meeting of the Board of Trustees held on November 10, the following order of the City Council was presented:

"Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to advise the City Council what disciplinary and corrective measures, if any, have been taken at the City Hospital with reference to certain employees and doctors acting in collusion with so-called 'ambulance chasing' attorneys."

I am inclosing a copy of a communication sent to you on August 23, 1939, concerning this matter.

I am also inclosing a copy of a statement presented to the Finance Commission on September 20, 1939, with reference to this matter.

Respectfully yours,

CARL DREYFUS,  
President, Board of Trustees.

City of Boston,

Hospital Department, August 23, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—Yesterday, August 22, Mr. Robert Cunniff of the Finance Commission called me, saying that it was his desire to have the trustees meet the members of the Finance Commission early next week. He said he wished to discuss certain questions concerning nursing and ambulance chasing.

Later in the day, I saw an article in the *Boston American* which stated that the Finance Commission was going to reopen the probe into conditions at the hospital concerning alleged ambulance chasing, this as the result of a complaint of Robert G. Wilson, Jr., of Dorchester, an attorney and member of the City Council. The complaint was that a patient at the Boston City Hospital who had requested Mr. Wilson to handle his case had been approached by alleged ambulance chasers who had succeeded into inducing him to turn the case over to them for management.

The article in the *American* did not carry the name of the patient. Last night, however, I located Robert G. Wilson at his summer home in Beverly Farms and learned from him that the patient's name was Dennis McCarthy, who lived at 33 Pine street, South End.

The *American* also stated that an officer of the Boston Fire Department occupied an adjoining bed. This patient has been located, and he is Joseph Dunn, a fire captain. I have talked with Mr. Dunn, and he tells me that Mr. McCarthy had no visitors except a sister who visited him only a few times. He did, however, see one visitor who came, how many times he is not certain, but who did come, he is sure, several times to visit Mr. McCarthy. He came always at the visiting period with the other visitors, between 6 and 6.30 in the evening.

The head nurse on the ward is on vacation; therefore, it is impossible to get any information from her.

Two of the orderlies who worked on the ward during the time that Mr. McCarthy was a patient there have been interviewed, but they are unable to furnish any information.

Captain Dunn tells me that Mr. McCarthy had practically no visitors, the only visitor other than his sister being the man who was unknown to the captain, who came in on several evenings with the rest of the visitors.

Ambulance chasing has gone on for many years. The trustees have been conscious of its existence. They have made every attempt in the hospital to stamp it out. Nurses, doctors and visiting men have all been instructed to report at once to the administration any irregularities. No patient is allowed to sign any document or to engage in any legal business except in the presence of an official of the hospital. No lawyer is allowed to interview any patient except upon the written permission of the patient himself. No patient is allowed to be transferred from one service to another except as the result of an official consultation between the doctors in charge of the services involved.

Legislation was enacted last year in an attempt to stop so-called "ambulance chasing."

On December 12, 1938, the trustees of the Boston City Hospital wrote Mr. Willard B. Luther of the Grievance Committee a communication, copy of which is inclosed, requesting that the Bar Association take whatever action it thought proper and made available to them all the information which we possessed concerning this matter.

In December, 1938, the trustees wrote to Mr. Henry Parkman, Corporation Counsel, asking him to investigate the alleged ambulance chasing. Final reports were returned from the Law Department to the trustees in March of 1939.

On July 7, 1939, the trustees wrote to Mr. Henry Parkman, copy of which letter is inclosed, asking him to take whatever action he deemed fit and also expressing a willingness to have all material turned over to the Boston Bar Association.

It is impossible at this time to get out a fuller report, but it is very evident that the alleged am-

bulance chaser who came to see Mr. McCarthy came in as a regular visitor. Every safeguard has been thrown around the patients. Every attempt has been made to keep out ambulance chasers, but where patients are allowed two visitors between 2 and 3 p. m. and one visitor between 6 and 6.30 p. m., if some attorney or ambulance chaser comes representing himself as a friend or relative of the patient it is impossible to devise some system that will keep people of this sort out.

Although patients are allowed to sign no legal documents, it is almost impossible for nurses on busy wards to watch everything that goes on.

Respectfully yours,  
JAMES W. MANARY, M. D.,  
Superintendent.

On November 28, 1938, the Senior Staff of the Boston City Hospital recommended that no patient be transferred from one service to another until seen in consultation by the chief of both the service transferred from and the service transferred to. This was recommended by the Staff in order to make it impossible for lawyers to select doctors to care for their accident cases. This regulation has been put into effect.

On December 1, 1938, the Boston Finance Commission called attention to the activities of certain doctors and lawyers engaged in actual solicitations of legal work at the Boston City Hospital.

On December 12, 1938, the trustees of the Boston City Hospital reported the matter to Mr. Willard B. Luther, chairman of the Grievance Committee of the Boston Bar Association, and requested in this communication that the Bar Association take such action as it deemed proper. Mr. Luther was supplied with a copy of the original report submitted as the result of investigation by the Finance Commission and also memoranda on certain other cases.

On December 12, 1938, the trustees voted that no attorney or claim adjuster shall be permitted to interview any patient without written request of said patient or, in case the said patient is unable to make this request, his or her nearest relative shall write the same. In visiting the patient, an executive of this hospital must accompany the claim agent or attorney.

On December 15, 1938, Mr. Willard B. Luther, chairman of the Grievance Committee, in a communication addressed to the President of the Board of Trustees of the Boston City Hospital, acknowledged receipt of the letter of December 12, 1938, with its inclosures. Mr. Luther informed the trustees that the lawyers mentioned in the report concerning the Boston City Hospital were already under investigation.

During this same interval the trustees conferred with the Corporation Counsel of the City of Boston, and the latter office made exhaustive investigation involving a large number of cases. The trustees have advised Mr. Parkman that he may make the results of his investigation available to the Grievance Committee if he deems it advisable to do so.

On May 12, 1939, there was enacted by the Legislature an act prohibiting employees and other persons connected with hospitals from furnishing certain information about personal injury cases to attorneys-at-law or their representatives and making changes in the law relative to runners, etc. Copies of this new law have been forwarded to all executive assistants, instructors in the School of Nursing, posted in conspicuous places in the hospital, visiting men and all others have been made familiar with this new law. The Department of Public Health has already furnished us with printed copies, which are being placed, framed, in prominent places throughout the hospital.

Staff doctors, resident doctors and nurses have all been instructed to report at once to the administration any irregularities which were noticed. No lawyer has permission to interview any patient except upon the written permission of the patient himself. No patient is allowed to be transferred from one service to another without official consultation between the doctors in charge of the services involved. Every safeguard has been thrown around the patients. It will, of course, be appreciated that where patients are allowed two visitors between 2 p. m. and 3 p. m., and one visitor between 6 p. m. and 6.30 p. m., this meaning some 3,000 visitors daily, it is impossible for the hospital to identify conclusively every visitor.

It will also be realized that information concerning injured individuals who are brought to

the hospital must be made available immediately to many departments. Reports of these accident cases are also telephoned at once to Police Headquarters by the police officer who is assigned to the Accident Floor for the purpose of making out official police reports for the Police Department.

The distribution of this information is necessary to the operation of the hospital and for the benefit of friends, relatives and the authorities. Every attempt is made to see that it is kept within the proper channels.

Placed on file.

**FORMER EMPLOYEES, EAST BOSTON RELIEF HOSPITAL.**

The following was received:

City of Boston,  
Office of the Mayor, November 20, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Boston City Hospital President, Board of Trustees, relative to your order of October 23, 1939, concerning the reinstatement of all former employees of the East Boston Relief Station in their old positions when said Relief Station reopens.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Hospital Department, November 10, 1939.

Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Mr. Mayor,—At a meeting of the Board of Trustees held today, the following order of the City Council was presented:

"Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to reinstate all former employees of the East Boston Relief Station in their old positions when said Relief Station reopens."

All of the persons who were employed at the East Boston Relief Station at the time of the closing and who were permanent were transferred to the Main Hospital. Those who were tempo-

rary were allowed to go. It will be impossible to reinstate the temporary employees as they had no Civil Service rating.

The number of employees necessary at the Relief Station with the present set-up will in all probability be much smaller than the number previously employed there. We will, however, give those who formerly worked there permanently every consideration if they are desirous of again being employed at the East Boston Relief Station.

Respectfully yours,  
CARL DREYFUS,  
President, Board of Trustees.

Placed on file.

**APPROPRIATION FOR LONG ISLAND INSTITUTIONS.**

The following was received:

City of Boston,  
Office of the Mayor, November 20, 1939.  
To the City Council.

Gentlemen,—Requirements for the defence of Boston Harbor have made it necessary for the War Department to direct that the Institutions Department of the city make arrangements to terminate its occupancy of several buildings located on the Federal Government reservation at Long Island. These buildings have been used for several years for dormitory purposes and at the present time house 270 male inmates. In order to comply with the War Department's request it will be necessary for the city to provide for the construction of a dormitory to house these inmates.

The Institutions Commissioner, at my direction, has studied the situation and has submitted to me sketches and drawings of a three-story fireproof dormitory building, the estimated cost of which is \$235,000. This estimate carries a low cost per square foot and cubical content and appears reasonable in the light of the actual cost of buildings erected, as indicated in the following table, in former years on the island.

YEAR ERECTED.	Building.	Cost.
1926.....	4-story dormitory.....	\$487,340 30
1928.....	3-story children's hospital.....	254,191 45
1932.....	Recreation building and corridor.....	276,515 06

War Department officials are very desirous that the city shall terminate its occupancy of the buildings at the earliest possible date. This means that work on the new building should start forthwith. Unfortunately, at this late period of the year it is impossible to provide the full amount required for the cost of the proposed building. Sufficient funds are available, however, to permit the preparation of plans and specifications and possibly the construction of the foundation. I propose, with the approval of your Honorable Body, to make use of these funds, and in the early part of 1940 take steps to provide the balance. I submit herewith orders providing for the transfer of \$87,550.05 from available balances and respectfully recommend adoption of these orders.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$61,705.13 be, and the same hereby is, appropriated, to be expended, under the direction of the Institutions Commissioner, for Long Island Hospital, Men's Dormitory, Establishment of, said sum to be met from the special fund, Sales of City Property.

Ordered, That under the authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to transfer from the appropriation for New City Hall, Plan, etc., \$19,964; New Police Station and Additions to and Improvement of Existing Police Stations, \$5,880.92, to the appropriation for Long Island Hospital, Men's Dormitory, Establishment of, \$25,844.92.  
Referred to Executive Committee.

**PETITIONS RECEIVED.**

The following petitions were received and referred to the committees named, viz.:

Claims.

Julia Clark, for refund on special duty police license.

Cornelius J. Crowley, for compensation for damage to car of R. M. Rodman while in performance of duty as employee of Sanitary Division.

Nellie Dillon, to be allowed \$7.05 as adjustment on leaking water meter.

Haik Eramian, for compensation for damage to car caused by an alleged defect at Brinton and Washington streets.

Max Levine, to be reimbursed for judgment issued against him.

Edmond A. Marks, to be reimbursed for judgment issued against him.

Joseph Marks, for refund on second-hand license.

Curtis Rose, for refund on building permit.

Belmonte Solimine, for compensation for damage to property at 412 Hanover street, by ashmen.

Edward J. Thornton, for compensation for damage to car caused by an alleged defect in Brooks street, Brighton.

Barney Victor, doing business as New England Electrical Supply Company, to be reimbursed money due him on invoice by city.

Edmund L. Williams, for compensation for damage to car by fire chief's car.

Committee on Jitney Licenses.

Petition of Boston Elevated Railway for license to operate motor vehicles between Boston-Cam-

bridge line on Harvard Bridge and Massachusetts Station, over Harvard Bridge, Massachusetts avenue and Newbury street; return over Boylston street, Massachusetts avenue and Harvard Bridge.

Executive.

Petition of Ruth M. Taylor, for children to appear at Eliot Hall, December 16.

**TAKING BY METROPOLITAN DISTRICT COMMISSION.**

Copy of order was received of taking by Metropolitan District Commission on Morton street and Arborway for southern high service water pipe lines.

Placed on file.

**BOSTON FIREMEN'S RELIEF FUND.**

The annual report of the treasurer of the Boston Firemen's Relief Fund for year ending August 31, 1939, was received.

Placed on file.

**APPOINTMENT OF SHERIFF.**

Notice was received from the Secretary of State of appointment on November 15, 1939, of Frederick R. Sullivan of Boston as Sheriff of Suffolk County, to fill vacancy caused by resignation of John F. Dowd November 13, 1939.

Placed on file.

**APPOINTMENTS BY THE MAYOR.**

Notices were received from the Mayor of the following appointments:

John E. Hannigan, 10 State street, member of Board of Commissioners of Sinking Funds, for term ending April 30, 1941.

William A. Dupee, 275 Marlborough street, to be member of Board of Commissioners of Sinking Funds, for term ending April 30, 1941.

Michael H. Corcoran, 433 West Roxbury Parkway, West Roxbury, to be member of Board of Commissioners of Sinking Funds, for term ending April 30, 1942.

Patrick A. O'Connell, 155 Tremont street, to be member of Board of Commissioners of Sinking Funds, for term ending April 30, 1942, *vice* William Spottiswoode, resigned.

Theodore C. Haffenreffer, member of Board of Park Commissioners, for term ending April 30, 1942.

William Stanley Parker, 148 Mt. Vernon street, to be member of City Planning Board, for term ending April 30, 1943.

Elisabeth M. Herlihy, 22 Hopkins road, Jamaica Plain, to be member of City Planning Board, for term ending April 30, 1944.

Severally placed on file.

**PLACING OF ICE OR SNOW IN STREETS.**

The following was received:

City of Boston,

Office of the City Clerk, November 18, 1939.  
To the City Council.

Gentlemen,—You are hereby notified that under the provisions of section 2 of chapter 486 of the Acts of 1909, the ordinance prohibiting the placing in a street in the City Proper, so called, of ice or snow removed from private property, recommended by the Mayor and filed with the City Clerk, September 18, 1939, not having been rejected or withdrawn within sixty days after said date, was in force on November 18, 1939, as if adopted by the City Council.

Respectfully,

WILFRED J. DOYLE, City Clerk.

Placed on file.

**ELECTION RETURNS.**

Notice was received from the Board of Election Commissioners of choice for City Council as follows:

Ward 1, James S. Coffey, 451 Meridian street.  
Ward 2, William J. Galvin, 49 Monument avenue.

Ward 3, Joseph Russo, 42A Green street.  
Ward 4, Perlie Dyar Chase, 136 Huntington avenue.

Ward 5, Henry L. Shattuck, 15 River street.  
Ward 6, Joseph M. Scannell, 137 West Third street.

Ward 7, Thomas E. Linehan, 770 Columbia road.

Ward 8, William F. Hurley, 61 Magazine street.  
Ward 9, Daniel F. Sullivan, 9 Highland street.

Ward 10, William A. Carey, 139 St. Alphonsus street.

Ward 11, Edward L. Englert, 18 Ifley road.  
Ward 12, Charles I. Taylor, 181 Ruthven street.

Ward 13, Edward A. Hutchinson, Jr., 69 Saxton street.

Ward 14, Joseph J. Gottlieb, 17 Wales street.  
Ward 15, John B. Kelly, 16 Inwood street.

Ward 16, Philip Austin Fish, 2 Fairfax street.  
Ward 17, John C. Wickes, 14 Rosedale street.

Ward 18, James J. Goode, Jr., 169 Metropolitan avenue.

Ward 19, James M. Langan, 10 Rockview street.  
Ward 20, Theodore F. Lyons, 100 Ardale street.

Ward 21, Michael J. Ward, 51 Wallingford road.  
Ward 22, Maurice H. Sullivan, 76 Antwerp street.

Also certified as elected to the School Board for term of four years were:

Daniel J. McDevitt, 238 South Huntington avenue.

Joseph C. White, 116 Mt. Vernon street.

Clement A. Norton, 34 Myopia road.

On referendum accepting act providing that the Mayor of Boston shall be eligible for election for the succeeding term the vote was as follows:

Yes.....	85,774
No.....	67,392
Blanks.....	37,804

On referendum accepting section 8A of chapter 44 of General Laws relative to submitting to voters question of approving or disapproving orders authorizing issue of bonds, notes or certificates of indebtedness for certain purposes the vote was as follows:

Yes.....	88,069
No.....	35,230
Blanks.....	67,671

Placed on file.

**SOLDIERS' RELIEF.**

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of November.

Report accepted; order passed.

**REPORT OF COMMITTEE ON ORDINANCES.**

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Reports on petitions for driveway openings, viz.:

Rose C. Fichtner (referred December 5, 1938), at 27 Bellamy street, Ward 22;

Estate of Eben D. Jordan (referred October 17, 1938), 473 Atlantic avenue, Ward 3;

Estate of Eben D. Jordan (referred October 17, 1938), 47 Broad street, Ward 3;

Nathan Coffman (referred June 5), 55 Jersey street, Ward 5;

Atlantic Refining Company (referred October 31, 1938), 443-453 Tremont street, Ward 4;

Shell Oil Company (referred June 12), Bellevue street;

Michael Rizzo (referred April 17), 347 Maverick street, Ward 1;

Charles B. Dolan (referred October 23), 65 Butler street, Ward 17;

New England Mutual Life Insurance Company (referred October 31, 1938), 21-35 Pearl street, Ward 3;

Estate of Thomas E. Proctor (referred April 3), Stanhope street, Ward 10;

Cyrus Sargeant (referred October 30), 24 and 26 Somerset street, Ward 3;



John Wolongiewicz (referred October 23), 635  
Dorchester avenue, Ward 7—

recommending that leave be granted.

Report accepted; leave granted on usual conditions.

2. Report on petition of Myrtle J. Case (referred October 30), 27-31 Brighton avenue, Ward 21—recommending that petitioner be given leave to withdraw.

Report accepted; petitioner given leave to withdraw.

#### RECESS.

The Council, by direction of President MURRAY, at 3.02 p. m., took a recess, subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 4.50 p. m.

#### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President MURRAY called up, under unfinisbed business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor November 13, 1939, of Clarence E. Taylor, Robert J. Casey, Francis O. Grant, Charles V. Hurley, Richard T. Fay, to be Weighers of Goods; and Mrs. L. F. Picardi, Michael Pettine, John Carr, George Doherty, Benjamin Bishop, Hugh MacKenzie, to be Weighers of Coal.

The question came on confirmation. Committee, Coun. Lyons and Sullivan. Whole number of ballots 17, yes 17, and the appointments were confirmed.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petition (referred today) for children under sixteen years of age to appear at places of public amusement, viz.:

Ruth M. Taylor, Eliot Hall, December 16—recommending that leave be granted.

Report accepted; leave granted under usual conditions.

2. Report on message of Mayor and orders (referred today) for appropriations for Long Island, institutions buildings—recommending that said transfers be made.

Report accepted; orders passed, yeas 19, nays 0.

#### THE NEXT MEETING.

The Council voted, on motion of Coun. WILSON, that when it adjourn it be to meet on Monday, December 4, at 2 p. m.

#### PUBLICATION OF APPROPRIATION BALANCE TRANSFERS.

Coun. SHATTUCK offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of publishing in the *City Record* all transfers of appropriation balances made after November.

Coun. SHATTUCK—Mr. President, under the law transfers may be made by the Mayor each year after the fifteenth of November. In the past, particularly in the last year of a Mayor's term, numerous transfers have been made to create positions for people and for extravagances of various kinds. Those transfers are not passed upon here by the Council, are open to the public only through examination of the records. They are not required to be published in the *City Record*, and very little is known about them. The purpose of this order is to publish them in the *City Record*, so that the Council and the public may know about all transfers made by the Mayor after November 15 of this year. This order is not offered in criticism of his Honor the Mayor, but, looking back through the past and looking forward to the future, it would seem to be a protective measure for the public.

Coun. GALVIN—Mr. President, has this order been before the City Council before?

President MURRAY—It has not.

Coun. GALVIN—In view of the fact that these transfers have been made by Mayors for a good many years, after November 15, I wonder why the order is put in at this time. I would move that it be referred to the Executive Committee for further debate.

The motion to refer to the Executive Committee was lost.

The order was passed under suspension of the rule.

#### RECREATION AREA, DORCHESTER HIGH SCHOOL FOR GIRLS.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to make every effort to assure a Federal project which will complete recreation area at the rear of the Dorchester High School for Girls in Codman square.

Coun. WILSON—Mr. President, I shall be very brief. I have been in communication with regard to this matter with the head master of the Dorchester High School for Girls and the Superintendent of Construction of the Department of School Buildings, and I will submit for the minutes the letters that I have received from them in regard to this matter. [Submitting letters, which will be found at the close of the councilor's remarks.] The proposition is to complete the recreation area at the rear of the Dorchester High School for Girls in Codman square, and the order requests that his Honor the Mayor make every effort to assure a Federal project to that end. The completion of this recreation area is a very important and necessary thing, as I believe all the councilors who might inspect the premises would agree. I am trying to do something through this order which would be greatly for the benefit of the high school girls of that section. I trust that the order will pass, and I would also ask that the letters I have submitted be included in our minutes.

(The letters referred to are as follows:

Dorchester High School for Girls,  
November 16, 1939.

Robert Gardiner Wilson, Jr.,  
Boston City Council.

My dear Mr. Wilson,—I thank you very much for your interest in the matter of the grading and surfacing of the land behind the Dorchester High School for Girls.

This improvement is something for which I have asked for several years. I feel that there is insufficient recreation area for girls here in Dorchester, and that this piece of land would be very useful if it could be surfaced.

I feel quite sure that Mr. Maber is interested in the project, the only difficulty being to find sufficient funds to put it through.

Thank you again for your kind interest.

Very truly yours,  
ALICE M. TWIGG,  
Head Master.

City of Boston,  
Department of School Buildings,  
November 17, 1939.

Robert Gardiner Wilson, Jr.,  
Boston City Council.

My dear Councilor Wilson,—I acknowledge receipt of your communication of November 14, 1939, and note what you say in reference to the improvement of the grounds at the rear of the Dorchester High School for Girls.

I have in mind for some time in the future the regrading of this lot and making it available as a recreation area for girls, as you suggest, but just at present I have no money in the project for doing this work.

I think you will agree with me that we have done something on this unsightly area to improve conditions, and I promise you that at the first opportunity we will do other work when funds are available.

With kind personal regards, I am,  
Sincerely yours,  
JAMES J. MAHAR,  
Superintendent of Construction.)

The order was passed under suspension of the rule.

### ADVANCE NOTICE OF WELFARE VISITORS' CALLS.

Coun. WILSON offered the following:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to forward postcard or other advance notice of intended calls by investigators or welfare visitors, giving at least the approximate date of proposed visits.

Coun. WILSON—Mr. President, I offer this order feeling that it should meet with the approval of every member of the Council. Without reflection on Mr. O'Hare or any of his predecessors, time and time again we have had the old story of the aged and infirm, and the question in many cases whether the beneficiaries should be on welfare at all. I have a letter, sent to me last week, about a lady who had been looking for old-age assistance, and the visitor gave her quite a "dressing down" because she said she had been there a number of times before and had not found the old lady. It does seem that there are plenty of visitors to look the cases up and that their work might be more successfully carried out and time saved if they should give at least an approximate date of proposed visits. When they speak of an old lady who is not in at the time of their visit, I don't know why they should expect such a person to be camped alongside of the stove for two or three weeks for fear that she might not be present when the visitor happens to drop in. She might well happen to be out at just that minute. As a matter of business proceeding, I think it would do no harm to send notice by postcard or otherwise that the visitor will call at an approximate date, say, some morning of this week. As far as the expense of giving such notice is concerned, I submit that it would be a matter of economy for the city, because, presumably, the time of the welfare visitor is worth something. They must be receiving a good salary, and such procedure will save their time. I believe that the great majority of cases on welfare rolls today are worthy cases, and, if so, the people should certainly be treated as human beings. Therefore, in all fairness to them, I would suggest that notice be sent that, within a day or two or at approximately a certain time in the week, a visitor will call, and I believe that it will be for the advantage of the city to give such advance notice.

The order was passed under suspension of the rule.

### REQUESTED RESCISSION OF SCHOOL COMMITTEE VOTE.

Coun. WILSON offered the following:

Ordered, That the Boston School Committee be respectfully requested, through his Honor the Mayor, to reconsider and rescind the vote taken on Thursday, November 9, 1939, which vote effects a doubling of classes in the elementary grades of the Boston school system and will also result in the dismissal of many temporary teachers.

Coun. WILSON—Mr. President, I am aware of the fact that the point will be raised that the City Council has troubles of its own and should not attempt to question what may be done or suggest what should be done by the School Department, an independent body. But I feel that, where the expenses of the School Department aggregate about one third of what is spent by the city, every one of the twenty-two members of the Council, representing the citizens of Boston as a whole and being particularly interested and concerned with the expenditures of the city, have a right, as a matter of public interest, to interest themselves in such a matter. I certainly know of nothing of more intense public interest, in this connection, than the welfare of the pupils in our schools in the minds of their fathers and mothers. I have received notice of the vote passed by the School Committee on November 9, 1939, effecting a doubling of classes in the elementary grades of the Boston schools and resulting in the dismissal of many temporary teachers. I do not understand the motives of those who so voted. Of course, we all desire proper economy, but we should consider the effect on the pupils in our schools, and the effect upon the school teachers, of establishing classes of fifty or more rather than thirty-five or forty, which is the average in enlightened cities and towns in New England, and of doubling the classes in many cases. I might refer to an experience of my own younger days in

that connection. I think I know from experience something of what it means to young boys and girls where there is such doubling of classes in the same room. I can still remember—believe it or not—a classroom in which I was placed in the old Henry L. Pierce School in Dorchester. There were nine grades in those days, and at the time I was a member of the eighth grade, and pupils of the sixth grade, through a doubling up of the classes, were placed in the same room with us. You can imagine the effect with pupils of the sixth grade occupying the rows in front of us, going through their recitations, while we, behind, were trying to study. I don't know what effect it may have on the average person to have that sort of thing going on, but I know the effect that it had on me, resulting in a complete distraction. I, personally, am so constituted that as a child at school I know I would have got a great deal more good out of my studies in that room if there had not been the pupils of the sixth grade reciting in front of us when we were trying to study and do our school work. I say that that sort of thing does the greatest amount of injury to our pupils in the grammar and primary schools. While I would favor all reasonable economies in the schools or other departments of the city, I do not think it is wise economy to treat our children in any such way, nor do I believe in times like these that we should dismiss temporary teachers who are really necessary. If there are economies which are to be attempted, it should certainly not be along the lines of having fifty or more pupils to a teacher in our schools or doubling our classes in any such way as I have referred to. I would like, in this connection, to introduce and have printed in our minutes an editorial from the *Boston Post* of November 15, dealing with this question. That editorial sets forth the situation in a much better way than I can express it. I understand that the School Committee meets this evening, and I trust, therefore, that the order I have offered will be passed and forwarded to the School Committee in time to be placed before the meeting. It will bring to that body the expression of twenty-two individual members of this Council, representing the different wards of this city, in favor of reconsideration and rescission of the vote taken by the School Board on November 9, showing them that we, representing our constituents, as fathers and mothers of this city, are firmly on record against the doubling up of school classes in the same room, the increase in the size of classes, and the consequent laying off of perhaps fifty or one hundred teachers in the schools of the City of Boston.

The order was passed under suspension of the rule.

Coun. WILSON—Mr. President, I would ask that that order be sent to the School Committee in time to come before its meeting early this evening.

(The editorial submitted by Coun. Wilson is as follows:

#### GOING TOO FAR.

It is possible that the School Committee, with the best of intentions, has made a mistake in doubling up classes in the elementary schools.

The claim is made that this will mean an increase in the number of pupils per class so great that the total in many classes will run from forty to fifty pupils. Such a number would seriously reduce the efficiency of the teachers concerned.

In most large cities the number of pupils in each elementary class does not run more than thirty-five. In some cities the total is even less.

Thirty-five pupils would give a teacher about all she could fairly handle.

The position of the elementary school teacher is somewhat different from that of a teacher in the higher grades.

The elementary school teacher has the entire responsibility for the pupils. She instructs them in all their studies. Naturally, she has a far closer contact with them than a teacher in the higher grades who teaches various subjects to different classes.

Elementary schools are the backbone of the school system. It is there that the youngest of school children really begin their education. The elementary studies are the foundation stones of a good education. An inadequate job in those branches can hardly be remedied later and reflects vitally on the records of pupils in the higher grades.

The elementary school teachers who will be affected are not on the permanent rolls of the department. But many have been teaching for eight or nine years. The pay is small, around \$900 a year. Promotion to the permanent rolls is slow, and it is not automatic. All are graded in the manner of the civil service lists and the tests are severe.

It does not appear that the money paid to these substitute teachers is any added expense to the budget beyond what it has been. Also, it seems rather unfair, when a young woman has been teaching regularly for years at a small salary, that she should be summarily cut off the pay roll.

Such is not the case with other city departments.

The School Committee deserves praise for efforts in the line of reasonable economy. But it has been evident for some time that the school system is overloaded with supervisory officials of all kinds, and the number has increased enormously in the past twenty years.

No member of the School Committee wishes to impair the efficiency of the school system. We trust the committeemen will give careful consideration to remedying what seems a mistake.)

#### CLOSING OF SCHOOL CENTERS.

Coun. TAYLOR offered the following:

Ordered, That the members of the School Committee be requested, through his Honor the Mayor, to reconsider and rescind their order to close the school centers from November 10 to June 1.

Coun. TAYLOR—Mr. President, I have been informed that an order has been issued, as a result of action by the School Committee, to close all the school centers from November 10 to June 1. I assume that that information is correct, and that it has been done from an economy standpoint. I believe there is no question in our minds that these school centers, opening in the evening and offering great advantages to many in our city, have been well worthwhile. Certainly, they have helped greatly in the moral, educational and physical development of those who have benefited by them, and the expense to the city has been very small compared with the resulting benefit to the people. When we speak of economy, certainly the advantages to those attending the schools far outweigh the small resulting cost. The expense is very small, in any event, because the schools are open anyway and the expense would go on just the same. In my opinion, there is no proper reason for taking away the benefit to the people now using the school centers, people who ordinarily could not receive the education or the physical development there afforded.

The order was passed under suspension of the rule.

#### BUTTONWOOD STREET ONE WAY.

Coun. HUTCHINSON offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make Buttonwood street, Ward 13, one way between Crescent avenue and Columbia road.

Passed under suspension of the rule.

#### SIDEWALK, CHICKATAWBUT STREET.

Coun. FISH offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Flavia street, Chickatawbut street to Oakton avenue, Ward 16, in front of the estates bordering thereon; said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### MUNICIPAL STADIUM.

Coun. SULLIVAN offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to consider the advisability of formulating plans for the erec-

tion of a Municipal Stadium, located in some centrally accessible spot, having adequate seating capacity to attract major athletic and other outdoor events to Boston.

Coun. SULLIVAN—Mr. President, this is a plan that meets the highest approval of sporting authorities, those interested in major athletic and other outdoor events in our city. Bill Cunningham, for example, has been conducting a campaign looking to the carrying out of such a plan, and has the backing of other leading physical culture advocates. It will certainly meet with the approval of every sports fan in Boston, and it will undoubtedly result in no great expense, because of the fact that it will attract to our city many conventions and major outdoor events of different kinds. It is certainly something that would meet with the approval of a very large section of our people.

The order was passed under suspension of the rule.

#### WARD 20 IMPROVEMENTS.

Coun. LYONS offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Cushing street, Ward 20, as a public highway, under the W. P. A. plan of construction.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Cottage avenue, from St. Theresa avenue to Washington street, Ward 20, as a public highway, under the W. P. A. plan of construction.

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install asphalt sidewalks on Centre street, both sides, from Spring to Washington street, Ward 20, and also on Baker street, from Spring to Centre street, both sides.

Severally passed under suspension of the rule.

#### GARAGES IN NEW APARTMENT CONSTRUCTION.

Coun. NORTON offered the following:

Ordered, That the Building Commissioner of Boston, through his Honor the Mayor, consider the advisability of having a study made relative to the feasibility of requiring all new apartment buildings in Boston to provide adequate garaging facilities for the occupants of said apartments.

Passed under suspension of the rule.

#### UNEMPLOYED SEAMEN.

Coun. NORTON offered the following:

Ordered, That the Mayor of Boston consider the advisability of having a study made relative to the ameliorating of conditions among unemployed seamen in Boston.

Passed under suspension of the rule.

#### THE HOUSING SITUATION IN BOSTON.

Coun. NORTON—Mr. President, for information I would like to inquire how the public housing question in Boston now stands. That is a matter that I wish to bring before the Council at its next meeting, to have acted upon before we close our year. I know that the Housing Authority in Boston today is considering the matter of accepting as much as can be obtained from the Federal Government along this line. I think we should consider that question very seriously before the Body adjourns for the year. So I would like to ask what the standing of the Federal Housing matter before this Body is as of the present time.

President MURRAY—I understand that the matter is before the Executive Committee.

Coun. NORTON—Well, Mr. President, I would like to call it up at the next meeting, which comes two weeks from today, and I trust that action will not be further postponed.

## REMOVAL OF UNUSED CAR TRACKS.

Coun. CHASE and SHATTUCK offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to arrange for the removal of the unused car tracks and car track switches at the following locations: Massachusetts avenue and Boylston street; Boylston street, between Massachusetts avenue and Ipswich street; Ipswich street; and be it further

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to arrange to have the aforementioned streets repaved with smooth paving under the W. P. A. plan of construction.

Passed under suspension of the rule.

## DUST NUISANCE, JOSEPH LEE PLAYGROUND.

Coun. CHASE offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to arrange for the abatement of the dust nuisance existing in the area of the Joseph Lee Playground in the Fenway, caused by the dusty condition of the Athletic Field.

Passed under suspension of the rule.

## COPY OF CITY SURVEY.

Coun. CHASE offered the following:

Ordered, That the Boston Municipal Survey Committee be instructed by his Honor the Mayor to provide each member of the City Council with a list of the survey made and about to be made and the results accomplished by such surveys.

Passed under suspension of the rule.

## DORMITORY LABOR CONFINED TO BOSTON CITIZENS.

Coun. CHASE offered the following:

Ordered, That the Corporation Counsel be instructed, through his Honor the Mayor, to provide in the contracts awarded for dormitory work on Long Island that only Boston citizens be employed.

Coun. CHASE—Mr. President, I cannot see why the City Council should not have the right to incorporate in this Long Island dormitory contract a clause that only Boston residents be employed. At the present time we have to consider the thousands and thousands of Boston citizens who are pounding the pavements, the thousands of people on the welfare rolls, well qualified to do this work, and if we are not able to get some assurance that such men will be employed, certainly something is wrong. We all know that not so long ago Boston citizens were not recognized in the housing projects. We all know that people from outside Boston, from as far away as Nebraska, were given preference over people in our city. As I have said, with so many thousands of our people pounding the streets of Boston today, we should provide every assurance possible that these people be given preference in such employment.

The order was passed under suspension of the rule.

## ACCEPTANCE OF WENDOVER STREET.

Coun. KERRIGAN offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Wendover street, Ward 7, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

Adjourned, on motion of Coun. WILSON, at 5.17 p. m., to meet on Monday, December 4, 1939, at 2 p. m.

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, December 4, 1939.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President MURRAY in the chair and all the members present, except Coun. Carey.

## JURORS DRAWN.

Jurors were drawn under the law, the Mayor absent, Coun SHATTUCK drawing the grand jurors and Coun. TAYLOR the traverse jurors, as follows:

Twenty-two grand jurors, Superior Criminal Court, to appear January 2, 1940:

Roy F. Forrest, Ward 1; William F. Geggis, Ward 1; William J. Rawson, Ward 1; Harold E. Rice, Ward 1; Edwin McNeil, Ward 3; Michael Mercadante, Ward 3; Herbert H. Griebstein, Ward 4; Sumner L. Holsey, Ward 5; Peter H. Mitchell, Jr., Ward 6; William G. Preskins, Ward 6; Eugene F. Mullen, Ward 7; Charles E. Dias, Ward 13; Patrick J. Lovett, Ward 13; Hyman S. Koch, Ward 14; Edward Rittenberg, Ward 14; Gilbert Sidman, Ward 14; Richard M. White, Ward 15; Herbert F. Rourke, Ward 17; Walter E. Richardson, Ward 18; Ernest J. Goyette, Ward 20; John G. Lundell, Ward 20; John R. Burkard, Ward 21.

Thirty additional traverse jurors, Superior Civil Court, October Sitting, to appear December 11, 1939:

Raymond Pirette, Ward 1; Joseph J. Sherwin, Ward 1; Frederick W. Clement, Ward 2; Richard D. Murray, Ward 2; Vincent DiGiovanni, Ward 3; Arthur E. Chase, Ward 4; James M. Hennessey, Ward 4; Joseph V. McGrath, Ward 4; E. William Shackett, Ward 4; Joseph Deering, Ward 5; John J. Smith, Ward 6; George R. Brooks, Ward 10; William F. Hurley, Ward 13; Joseph L. Scott, Ward 13; Max Margulis, Ward 14; Arnold E. Miner, Ward 14; John F. Boyle, Ward 15; George H. Hammett, Ward 15; Michael Barr, Ward 16; Daniel J. Donovan, Ward 16; John W. Crosby, Ward 18; Harold R. Kingsley, Ward 18; John Boyd, Ward 19; William L. McMorrow, Ward 19; Roy L. Chase, Ward 20; Marcus Colwell, Ward 20; Jerome A. Lally, Ward 20; Harold G. Reilly, Ward 21; Frank L. Stevens, Ward 21; Richard J. O'Donnell, Ward 22.

Eighty-four traverse jurors, Superior Criminal Court, to appear January 2, 1940:

William H. Ahhott, Ward 1; Frank J. Amerena, Ward 1; Harold A. Budreau, Ward 1; Nicholas Centracchio, Ward 1; John W. Copeman, Ward 1; William P. Laracy, Ward 1; Anthony Lopilato, Ward 1; Herbert E. Dewey, Ward 2; Thomas M. Hickey, Ward 2; John Kane, Ward 2; John F. Sullivan, Ward 2; George A. Toland, Ward 2; Joseph DiStasio, Ward 3; James Hodge, Ward 3; James J. Herlihy, Ward 3; Hyman Kalish, Ward 3; Anthony Rizzo, Ward 3; William T. West, Ward 4; James W. Claus, Ward 5; Louis J. MacArthur, Ward 5; John D. McKenzie, Ward 5; Arthur F. Meehan, Ward 5; James F. O'Hara, Ward 5; William J. Rivard, Ward 5; James R. Williams, Ward 5; Robert W. Bagley, Ward 6; Charles O'Brien, Ward 6; Daniel S. Santry, Jr., Ward 6; James Curley, Ward 7; John J. Gallagher, Ward 7; Martin J. Kleintot, Ward 7; Roland F. Osgood, Ward 7; William E. Powers, Ward 7; David Warnock, Ward 7; Edward J. Rowan, Ward 8; William J. Dwyer, Ward 10; Clifford T. Leonard, Ward 10; John E. McKinnon, Ward 10; William P. O'Brien, Ward 10; Harry Buxbaum, Ward 12; Thomas E. Curran, Ward 12; Hyman Jacobs, Ward 12; Jacob Kaplan, Ward 12; Eugene C. Masters, Ward 12; John Thomas, Ward 12; William F. Scanlan, Ward 13; Bernard Goldstein, Ward 14; Bernard Kolman, Ward 14; Lewis Leonard, Ward 14; John C. Collins, Ward 15; Harry H. Hill, Ward 15; Glaney William Patten, Ward 15; Thomas R. Wideheck,

Ward 15; Frank J. Conway, Ward 16; Charles S. Lawler, Ward 16; Henry H. Nau, Ward 16; Francis W. Purcell, Ward 16; George H. Riley, Ward 16; Samuel Edward Adams, Ward 17; Henry D. Kelley, Ward 17; Herbert Mitchell, Ward 17; Joseph P. O'Neil, Ward 17; Charles A. Mayer, Ward 18; Albert V. Nelson, Ward 18; John J. Welch, Ward 18; John J. Flynn, Ward 19; Thomas F. Ford, Ward 19; Benjamin A. Foster, Ward 19; Edward G. Harrington, Ward 19; Oswald Kelly, Ward 19; Philip D. Leahy, Ward 19; Frederick J. McLaughlin, Ward 19; Robert J. Cromwell, Ward 20; John J. Donovan, Ward 20; James R. Nickerson, Ward 20; Francis E. O'Mara, Ward 20; William G. Schmidt, Ward 20; I. Maxwell Stover, Ward 20; Samuel Gilbert, Ward 21; Charles E. McCarthy, Ward 21; Thomas M. Russell, Ward 21; Max E. Stahl, Ward 21; George H. Gallagher, Ward 22; William J. Kiley, Ward 22.

One hundred twenty-five traverse jurors, Superior Civil Court, to appear January 2, 1940:

Chester W. Barnard, Ward 1; Harold J. Christiansen, Ward 1; John F. Connell, Ward 1; Thomas Conway, Ward 1; John S. Donahue, Ward 1; Philip Fagan, Ward 1; Otto L. Kirk, Ward 1; Michael Repucci, Ward 1; Frank J. Rich, Ward 1; Frank J. Staffier, Ward 1; Ralph H. Williams, Ward 1; John J. Barry, Ward 2; Eugene J. McCarthy, Ward 2; Andrew F. Moynihan, Ward 2; James A. Reddington, Ward 2; Walter J. Downs, Ward 3; Arthur J. McGrath, Ward 3; Anthony J. Pauldo, Ward 3; Pasquale Romano, Ward 3; Ralph C. Forrester, Ward 4; Frank Leonard, Ward 4; Philip R. MacCausland, Ward 4; Edward J. Mulholland, Ward 4; Francis T. Murphy, Ward 4; John P. O'Dowd, Ward 4; Arthur D. Thomas, Ward 4; Redington M. DeCormis, Ward 5; John J. Downey, Ward 5; Edward Fisher, Ward 5; John F. Synnot, Ward 5; Francis J. Toronto, Ward 5; William J. Connors, Ward 6; Francis J. Dooley, Ward 6; Arthur J. Hennessey, Ward 6; William J. McDonough, Ward 6; Arthur B. Maginnis, Ward 6; James E. Welsh, Ward 6; William H. Benners, Ward 7; Robert A. Desmond, Ward 7; Maurice F. Galvin, Ward 7; Charles G. Lawson, Ward 7; Pierce Lee, Ward 7; Michael E. McCarthy, Ward 7; Charles W. Plumb, Ward 7; Gustave A. Anderson, Ward 8; John E. Gately, Ward 8; Howard C. Gay, Ward 8; Edward F. Daley, Ward 9; Harry Hewitt, Ward 9; Frank A. Morrison, Ward 9; Willard G. Pickett, Ward 9; Martin Joseph Kennedy, Ward 10; John A. Turke, Ward 10; Robert T. Cotton, Ward 11; Thomas I. Grisdale, Ward 11; William C. McNulty, Ward 11; Cornelius M. Murphy, Ward 11; Raymond I. Roche, Ward 11; Thomas J. Waters, Ward 11; John Boti, Ward 12; Horace S. Hatch, Ward 12; Hyman F. Schaffer, Ward 12; Leonard Tuttle, Ward 12; James T. Curtis, Ward 13; John J. Kelly, Ward 13; James J. Mooney, Ward 13; Charles E. Williams, Ward 13; John R. Williams, Ward 13; Philmore Blond, Ward 14; Nathan Lightman, Ward 14; Louis Livingston, Ward 14; Albert J. Newton, Ward 14; Julius Perlmutter, Ward 14; Charles Schneiderman, Ward 14; George Tack, Ward 14; James F. Dorris, Ward 15; Stephen H. Duffy, Ward 15; Joseph E. Dwyer, Ward 15; William D. King, Ward 15; John E. Curran, Ward 16; Thomas J. Farrell, Ward 16; John A. Kuhn, Ward 16; James Francis Murphy, Ward 16; James J. O'Callaghan, Ward 16; Charles F. Porfert, Ward 16; William L. Cahalan, Ward 17; John F. Colbath, Ward 17; John C. Hunter, Ward 17; Robert W. McLean, Ward 17; Charles E. Prehle, Ward 17; Gerard B. Doyle, Ward 18; John W. Drane, Ward 18; James A. Dyer, Ward 18; Frederic R. Ellis, Ward 18; Arthur L. Flynn, Ward 18; James J. Gallagher, Ward 18; Paul L. McCann, Ward 18; Raymond J. McNamara, Ward 18; Bernard G. Masterson, Ward 18; John Reilly, Ward 18; Francis W. Blaisdell, Ward 19; Allan E. Dick, Ward 19; Francis B. Donahue, Ward 19; Oliver A. Pike, Ward 19; Timothy Scannell, Ward 19; Carl J. Carlson, Ward 20; Edwin F. McCabe, Ward 20; Thomas McGinn, Ward 20; William McGrath, Ward 20; Michael J. Mulcahy, Ward 20; Thomas P. Reardon, Ward 20; Herbert B. Russell, Ward 20; Charles J. Smith, Ward 20; Patrick William Halligan, Ward 21; James J. Healey, Ward 21; Robert S. Tiffany, Ward 21; Leo G. Trainor, Ward 21; Michael P. Doyle, Ward 22; Cornelius J. Fahey, Ward 22; Edward J. Fanning, Ward 22; James W. N. Foynes, Ward 22; John W. Hannon, Ward 22; Edmond J. O'Brien, Jr., Ward 22; William S. O'Brien, Ward 22; Thomas W. O'Connor, Ward 22.

## APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Constables for term of one year, beginning with first day of May, 1939, with authority to serve civil process upon filing of the necessary bonds: James F. McDermott, Jr., 12 Raven street, Ward 13; Louis Franzosa, 39 Bruce street, Ward 20. Weighers of Coal: Peter J. Bella, 283 Trapelo road, Belmont, Mass.; Percy R. Bracey, 31 Blake street, Wollaston, Mass.

Weighers of Goods: Richard T. Fay, 253 Cummins Highway, Roslindale, Mass.; Frank E. Hodges, 349B Pleasant street, Malden, Mass.; Michael Keane, 7 Concord avenue, Charlestown, Mass.; Abraham Noble, 18 Fairlawn avenue, Milton, Mass.; Doris Kennedy, 31 Osceola street, Mattapan, Mass.

Severally laid over for one week under the law.

## VETO OF LICENSING OF CIGARETTE-VENDING MACHINES.

The following was received:

City of Boston,

Office of the Mayor, November 27, 1939.

To the City Council.

Gentlemen,—I return herewith without my signature and disapproved the ordinance adopted by your Honorable Body on November 13, providing for the licensing of cigarette-vending machines.

The ordinance before me is open to several objections. In one section it provides that the term of the license shall be one year from the date of issue and in another that the license shall expire on December 31st. It also omits to specify a date in the future when it shall become effective, and is unacceptable in several other respects.

For these specific reasons I am disapproving the ordinance.

On June 5th of this year I disapproved an ordinance on the same subject substantially for the reason that the license fee of \$20 fixed therein was excessive. Although I indicated in the accompanying message that I was prepared to approve such an ordinance if the license fee was set at \$5.00, the situation has been materially changed since that time by the enactment of chapter 454 of the Acts of 1939, which levies a tax on cigarettes and also provides for the licensing of cigarette-vending machines by the Commissioner of Corporations.

In my opinion the sale of cigarettes is sufficiently controlled by this action of the Legislature and it seems to me inadvisable to impose an additional burden by requiring a city license.

Respectfully,

MAURICE J. TOBIN, Mayor.

Placed on file.

## DISTRIBUTION OF HANDBILLS, ETC.

The following was received:

City of Boston,

Office of the Mayor, November 27, 1939.

To the City Council.

Gentlemen,—On November 22d, the Supreme Court of the United States declared unconstitutional ordinances of the cities of Worcester, Milwaukee and Los Angeles prohibiting the distribution of handbills, cards, circulars or papers of any kind on a street, sidewalk, alley, public park or public place.

The Court stated in part as follows:

" . . . the public convenience in respect of cleanliness of the streets does not justify an exertion of the police power which invades the free communication of information and opinion secured by the Constitution."

This unequivocal pronouncement supercedes the decision of the Supreme Judicial Court of Massachusetts in the case of Commonwealth v. Nichols (decided December 21, 1938) which held the Worcester ordinance constitutional.

Chapter 39, section 41, of the Revised Ordinances of the City of Boston provides in part as follows:

"No person shall . . . distribute to persons on a street, handbills, cards, circulars or papers of any kind except newspapers."

Our ordinance, I feel, comes within the sweep of the decision of the Supreme Court of the United

States, and is on that account rendered ineffective. Nevertheless, I am of the opinion that affirmative action should be taken in order to remove from our books a law which on its face purports to abridge the constitutional guarantee of free speech.

I accordingly inclose suggested draft of an ordinance, striking out those words which under the recent decision of the Supreme Court would be held to be an infringement upon free speech.

Respectfully,

MAURICE J. TOBIN, Mayor.

## An Ordinance Concerning the Distribution of Handbills in the Public Streets.

Be it ordained by the City Council of Boston, as follows:

Section forty-one of chapter thirty-nine of the Revised Ordinances of nineteen hundred and twenty-five is hereby amended by striking out the following clause: "or distribute to persons on a street, handbills, cards, circulars, or papers of any kind except newspapers".

Referred to Committee on Ordinances.

## SALE OF STEAMER "GEORGE A. HIBBARD."

The following was received:

City of Boston,

Office of the Mayor, December 4, 1939.

To the City Council.

Gentlemen,—I submit herewith an order for the sale of the steamer "George A. Hibbard" at an upset price of one thousand dollars (\$1,000).

I am informed by the Commissioner of the Institutions Department that this steamer was up for sale on November 17, 1939, for an upset price of three thousand dollars (\$3,000), as authorized by your Honorable Body. No bids were received for the sale of the boat at the price posted.

In my opinion the steamer might be sold at the original price recommended by the Commissioner of Institutions, i. e., one thousand dollars (\$1,000), and I submit herewith an order for the sale of the steamer at this price, believing that this figure may attract possible purchase.

I recommend passage of the accompanying order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That the Commissioner of the Institutions Department be, and hereby is, authorized to sell at public auction, after due advertising in the *City Record* and Boston daily newspapers, and with notices to be sent all persons who have made inquiries, the boat "George A. Hibbard," at an upset price of \$1,000.

Referred to Executive Committee.

## SIDEWALKS, WARD 20.

The following was received:

City of Boston,

Office of the Mayor, December 4, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of November 20, 1939, concerning the installation of asphalt sidewalks on Centre street, both sides, from Spring street to Washington street, Ward 20, and also on Baker street, from Spring street to Centre street, both sides.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department,

December 4, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—This is in reference to the following order that was passed in the City Council on November 20, 1939:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to install asphalt sidewalks on Centre street, both sides, from Spring street to Washington street, Ward 20, and also on Baker street, from Spring street to Centre street, both sides."

Due to the proximity of the anticipated inclement weather and the length of time that

it would take to have the W. P. A. authorities approve a project for a part or the whole of the work, as proposed in the above copy of order, it would be inadvisable to consider starting actual construction work this year.

I shall, however, submit a W. P. A. project, construction work on which will start next spring, for the installation of bituminous concrete (asphalt) sidewalks on Baker street, between the limits as specified in the above order; on Centre street, from Spring street to Grove street, and on that section of Centre street beyond Grove street where the extent of the residential development is such as to justify and necessitate the construction of bituminous concrete sidewalks.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

City of Boston,  
 Office of the Mayor, December 4, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of October 23, 1939, concerning the installation of sidewalks on the following streets in Ward 20, under the W. P. A. plan of construction: Chesbrough road, Birchwood street, Baker street, from Spring street to Centre street.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department,  
 November 20, 1939.

Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works install sidewalks on the following streets in Ward 20, under the W. P. A. plan of construction: Chesbrough road, Birchwood street, Baker street, from Spring street to Centre street.

In regard to these streets, please be advised that they will be submitted for approval on a W. P. A. project for the installation of bituminous concrete sidewalks during the coming year.

Very truly yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Severally placed on file.

**GARAGE FACILITIES, APARTMENT BUILDINGS.**

The following was received:

City of Boston,  
 Office of the Mayor, December 4, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Building Commissioner relative to your order of November 20, 1939, concerning the advisability of having a study made relative to the feasibility of requiring all new apartment buildings in Boston to provide adequate garaging facilities for the occupants of said apartments.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Building Department,  
 November 27, 1939.

Hon. Maurice J. Tobin,  
 Mayor of Boston,

Subject: City Council order of November 20, 1939, relative to the feasibility of requiring all new apartment buildings in Boston to provide adequate garaging facilities for the occupants of said apartments.

Dear Sir,—Concerning your communication of November 23, subject, City Council order sponsored by Councilor Norton relative "to the feasibility of requiring new apartment buildings to provide adequate garaging facilities," please be informed that I do not believe it feasible, and hardly think it possible, to cause to be enacted by the State Legislature an amendment to chapter 488, Acts of 1924, Zoning Law, which would require owners to provide adequate garaging facilities to care for the occupants of apartments. As the logical location for a garage would be the basement of an apartment building, which if entirely occupied for garage purposes might prove to be inadequate to provide facilities for all occupants,

and also as the garaging of a vehicle could not be in the category of a necessity of life or those requirements providing light, heat, sanitation, public safety, etc., I feel certain that the Legislature would not entertain such a provision.

Under the existing Zoning Law, referred to above, an entire basement, if properly confined, as required by the State Fire Marshal's Regulations, with fireproof separations, walls, ceilings, etc., can be used for garage purposes; however, there is nothing in the law to compel an owner to provide garaging facilities.

Respectfully yours,  
 JAMES H. MOONEY,  
 Building Commissioner.

Placed on file.

**REMOVAL OF UNUSED TRACKS AT MASSACHUSETTS STATION.**

The following was received:

City of Boston,  
 Office of the Mayor, December 4, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of November 20, 1939, concerning the arranging for the removal of the unused car tracks and car track switches at the following locations: Massachusetts avenue and Boylston street; Boylston street, between Massachusetts avenue and Ipswich street; Ipswich street; and, further, that the aforementioned streets be repaved with smooth paving under the W. P. A. plan of construction.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

City of Boston,  
 Public Works Department,  
 November 27, 1939.

Mr. William T. Doyle,  
 Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Public Works Commissioner arrange for the removal of the unused car tracks and car track switches at the following locations: Massachusetts avenue and Boylston street; Boylston street, between Massachusetts avenue and Ipswich street; Ipswich street; and be it further ordered that the Commissioner of Public Works arrange to have the aforementioned streets repaved with smooth paving under the W. P. A. plan of construction.

Relative to Massachusetts avenue and Boylston street, together with Boylston street, between Massachusetts avenue and Ipswich street, please be advised that a project will be submitted in the early part of next year to take care of this matter.

In regard of Ipswich street, this will advise you that the pavement on this street is in very good condition and the tracks are on the side of the road and, at the present time, I can see no reason for the removal of the tracks and the repaving of the street.

Respectfully,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, viz.:

**Claims.**

Andrew Square Hardware, for compensation for damage to property at 611 Dorchester avenue, caused by bursting water main.

Back Bay Electrotpe and Engraving Company, for compensation for damage to property at 172 Columbus avenue, caused by bursting water main.

Etta G. Bagloe, for compensation for injuries caused by an alleged defect in Riverview road.

Mrs. Leo Boucher, for compensation for injuries caused by an alleged defect in Tremont street.

Congress Beauty Equipment Company, to be paid for supplies delivered to Trade School for Girls.

Patrick J. Connelly, for compensation for damage to property at 1 Andrew square, caused by broken water main.

James Corliss, for compensation for damage to car caused by an alleged defect at 40 Hardwick street.

John D. Coughlin, for compensation for damage to car caused by an alleged defect in Columbia road.

Ainsley W. Dingwell, for compensation for damage to car caused by an alleged defect in Atlantic avenue.

Roland H. Edstrom, for compensation for damage to car by city wagon.

T. F. Fitzgerald, for compensation for injuries caused by an alleged defect at 268 Washington street.

Rebecca Freedman, for compensation for injuries caused by an alleged defect at 318 Blue Hill avenue.

John I. Greenberg, for compensation for damage to car by city truck.

S. Thomas Interland, for compensation for damage to car by city team.

Frank Karoleczak, for compensation for damage to property at 603 Dorchester avenue, caused by bursting water main.

Agnes M. O'Neil, for compensation for damage to car caused by an alleged defect in Broadway.

Catherine Paulson, to be reimbursed for expenses incurred in digging water main at 15 Greenville street, Roxbury.

Peter Riccobene, for compensation for damage to property at 58 Liverpool street, caused by falling chimney from city property.

Edwin P. Roeke, to be reimbursed for loss of clothing at Curtis Hall.

United States Department of Agriculture, for compensation for damage to car by prison van.

Joseph S. Waterman & Sons, Inc., for compensation for damage to car by fire engine.

#### Committee on Jitneys.

Petition of Modern Bus Lines for license to operate motor vehicles from Boston-Dedham line at Spring street, over Spring street, Centre street, Belgrade avenue, Corinth street and Washington street to the Forest Hills Elevated Station, and return over same route.

#### BOSTON ELEVATED TRACK LOCATION

A communication was received from the Board of Street Commissioners of granting of 97th track location to Boston Elevated Railway, single track curve in Andrew square, South Boston, connecting single track from Southampton street into Boston street with the easterly track in Dorchester avenue.

Placed on file.

#### BOND OF M. & R. CONSTRUCTION COMPANY.

A communication was received from the Metropolitan District Commission transmitting bond of M. & R. Construction Company.

The bond was filed with the City Auditor and the communication was placed on file.

#### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President MURRAY called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor November 20, 1939, of John F. Mahoney, Henry S. Harmon, George Lee, to be Weighers of Coal.

The question came on confirmation. Committee, Coun. Agnew and Irwin. Whole number of ballots 17; yes 13, no 4, and the appointments were confirmed.

#### TRANSFERS.

President MURRAY called up, under unfinished business, No. 2 on the calendar, viz.:

2. Ordered, That under the authority of chapter 261 of the Acts of 1893 the City Auditor be, and hereby is, authorized to transfer from the appropriation for New City Hall, Plan, etc., \$19,964; New Police Station and Additions to and Improvement of Existing Police Stations, \$5,880.92, to the appropriation for Long Island Hospital, Men's Dormitory, Establishment of, \$25,844.92.

On November 20, 1939, the foregoing order was read once and passed, yeas 19, nays 0.

The order was given its second and final reading and passage, yeas 17, nays 0.

#### HOUSING AUTHORITY, BONDS FOR TAKINGS.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to advise the City Council whether bonds have been filed by the Housing Authority holding the City of Boston harmless incident to takings by eminent domain for so-called low-rent housing projects.

Passed under suspension of the rule.

#### WATER LEAKAGE, OLD HARBOR VILLAGE.

Coun. WILSON offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to advise the City Council as to the amount of water leakage damage recently at Old Harbor Village, and the estimated cost of repair work or renovation necessary to prevent further repetition of water leakage.

Coun. WILSON—Mr. President, we have had called to our attention in the past the damage that has been caused by water leakage at Old Harbor Village, but the Council was assured that it was a minor matter. I am told also that the same thing has occurred in the housing construction in Cambridge. Unless I am incorrectly advised, two weeks ago there was further damage from leakage at Old Harbor Village, and at that time, in the building nearest the waterfront, considerable damage was done. This is certainly rather an important matter when we bear in mind that the Council, in connection with the \$27,000,000 that was furnished for these housing projects in Boston, was told that at the end of sixty years the various projects would revert back to the city. I am afraid, however, that if this sort of damage is allowed to go on in the coming years there will be little of value left for the city at the end of that period. And so I think it is important at this time to request the Boston Housing Authority to advise the Council, through the Mayor, as to the amount of recent water leakage damage at Old Harbor Village and the estimated cost of repair work or renovation necessary to prevent further repetition of such damage.

The order was passed under suspension of the rule.

#### PROVISION FOR NURSES CONTRACTING ILLNESS.

Coun. WILSON offered the following:

Ordered, That the trustees of the Boston City Hospital be respectfully requested, through his Honor the Mayor, to make adequate and fair provision for such nurses at the City Hospital and Sanatorium as may contract illness incident to the performance of their duties.

Coun. WILSON—Mr. President, I was under the impression about a year ago, when we had some discussion of the management of the Boston City Hospital, and when we as usual were criticized severely for even raising our voices in criticism, that the City Hospital Trustees always stood behind its employees when they contracted contagious diseases as a result of their employment—which, of course, is the situation in ordinary private employment under workmen's compensation and under the operations of the Industrial Accident Board. I have also in mind especially a nurse working in the tuberculosis hospital on River street, where the chances of acquiring the disease are strong, even under the best of supervision, who got the disease. In spite of all the care that might be exercised, in the way of periodical examinations, X-rays and so forth, she finally showed evidences of tuberculosis. When the case was brought to the attention of the hospital authorities, they made the munificent suggestion that they would treat her at the Sanatorium and give her half-pay for a three-months' period. I personally believe that registered nurses who have spent the years out of their lives to learn their calling and who have nothing to depend upon but



their jobs, and who frequently have families dependent upon them, when they have been serving in a tuberculosis hospital, and have contracted the disease, should certainly be given a reasonable leave of absence and full pay in the meantime, because they have upon them not only the burdens and responsibilities that they had while in health, but also the disadvantages and expense they suffer as sick persons; and neither should they be obliged to worry for fear their families cannot get by, not having enough to live on. So I urge now, as a matter of ordinary ethics and decency, a more generous and humane treatment of nurses such as those at the River street hospital, where they may acquire tuberculosis germs. They should certainly be given reasonable leaves of absence, with full pay.

Coun. NORTON—Mr. President, that reminds me of the case that was brought to our attention at the tuberculosis hospital where a nurse contracted the disease and was supposed to die. But I believe the girl is now getting along very well, I am happy to say. You will remember the case, a very dramatic one, that was brought to our attention in the Executive Committee last year. You will certainly remember the dramatic incident, most dramatic, where the girl's mother came in, with tears in her eyes, and told us the story. We certainly have in this city, in that institution that has been referred to, one of the finest tuberculosis hospitals in the world. It is our good fortune to have such an institution located in the City of Boston. If I should have tuberculosis, I don't know of any place where I would rather go.

Coun. WILSON—Mr. President, I certainly share the councilor's joy in the improvement in the physical condition of this young woman who has not died, but is showing such progress in recovering from the disease. But I would suggest that possibly the dramatic incident the councilor refers to, which did occur, and the investigation that we had in the matter, had something to do with saving her life.

The order was passed under suspension of the rule.

#### PROTECTION AGAINST SLANDER OF CANDIDATES.

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to draft a suitable bill for consideration by the Massachusetts Legislature which will more effectively prevent libel and slander and untrue statements or propaganda against candidates for public office incident to political campaigns and which will provide for criminal prosecution of persons and concerns who print slanderous, libelous or untrue statements concerning candidates for public office, especially in cases where the name and address of the person sponsoring such printed matter does not appear on the same.

Coun. WILSON—Mr. President, I suppose I can start out with the premise that there is nothing personal in that particular order, as I was not a candidate in the recent election and therefore did not suffer from any of the practices referred to in the order. But I do feel pretty strongly that affairs have reached a stage in the City of Boston, as in other places in Massachusetts, where a man practically jeopardizes his reputation when he becomes a candidate for public office. Unhindered attacks on his character and reputation are circulated through the district, attacks that are absolutely unjustified and irresponsible. Although the law requires that political circulars shall bear the name of the author when such unwarranted attacks are made over a person's name and address, slanderous and libelous attacks on a candidate for public office, it is frequently the case that the person whose name is supposed to be signed to the circular cannot be found. So there is frequently no redress to be obtained from the supposed sponsor of such circulars, which are circulated among the voters and which contain absolutely slanderous remarks. The existing law does not, in other words, give the protection that it is supposed to give. I believe some real teeth should be put in the law. I realize, as a member of the bar, that any candidate whose reputation may have been assailed may bring suit, which will not reach trial possibly until years after he may have lost an election, so that the protection he is supposed to have at the present time is of no real value to him.

I bear in mind also the fact that no man can be recompensed in money for the damage caused him. I think, therefore, that the only way to stop these slanderous statements that we have in the average political campaign in Boston is to make such statements obviously criminal in their nature. I trust, therefore, that the Law Department of the City of Boston will, in drafting such a bill as is proposed in this order, put such teeth into it as will put a stop to this reprehensible practice once and for all.

The order was passed under suspension of the rule.

#### CONTINUATION OF WORK OF DIES COMMITTEE.

Coun. CHASE and WILSON offered the following:

Whereas the Boston City Council has already forwarded a resolution to the Dies Congressional Committee wherein the said committee was highly commended for its fine work in enlightening the American public concerning subversive activities within this country, and

Whereas, The Boston City Council is of the opinion that all subversive activities such as Communism and Nazism within this country should be subject to further searching investigation;

Therefore, he it

Resolved, That the Boston City Council respectfully urges the Congress of the United States to appropriate such money as may be necessary for the continuation of the Dies Congressional Committee for investigation of un-American activities.

Referred to the Committee on Rules.

#### SURPLUS COMMODITY PLAN FOR BOSTON.

Coun. NORTON offered the following:

Ordered, That the Mayor of Boston immediately consider the advisability of requesting the Federal Government to establish a so-called Surplus Commodity Stamp Plan distribution of food in Boston.

Coun. NORTON—Mr. President, I understand that there is under consideration at the present time the question of whether or not the Federal Government will come to Boston with the so-called Surplus Commodity Stamp Plan distribution of food. The plan is being worked out in many other cities in America and I would like to see it tried out in Boston. I would ask permission to have included in the record some of the editorials and newspaper statements that have appeared in various sections of America in regard to this plan. (Coun. NORTON submitted the following:)

Today, at Shawnee, Okla., the Surplus Commodities Corporation begins an experiment of national importance. It will extend the distribution of food stamps, good for specified surplus foods, to nonrelief families with four or more members and weekly incomes of \$19.50 or less.

The plan, in other words, has succeeded in moving commodity surpluses and is being extended. The Rochester, N. Y., experience is most interesting. There, relief families were given free blue stamps, good for surplus foods, to the amount of 50 per cent of the orange stamps, good for any foods, which they bought at face value.

Retail food sales went up 12 per cent in the low-income areas. Six per cent was due to the use of free blue stamps. What caused the remaining 6 per cent increase? Obviously, every dollar in free blue stamps must have freed another dollar from the weekly budget for purchase of other foods. The extra dollar was spent for food—producing the increase and proving the need.

From Rochester *Daily News*, November 21, 1939: McAuliffe, sole representative of Rochester's 13,000 relief families and the nation's farmers whose surpluses have been gradually disappearing under the stamp plan, expected to confine himself to the arguments already announced by Secretary of Agriculture Wallace in Washington. Among these is the plea that the bankers' proposed tax will wipe out half the profit of the small grocer who, the Government hoped, would benefit substantially from the plan.

#### \$1,000,000 in New Business.

Before May 16, surplus farm commodities were dispensed free to relief families from large Federal depots.

Under the stamp plan, needy families still receive the surplus foods free, but distribution is made through normal channels of trade. Thus, both wholesalers and retailers make a profit. Based on six months of operation, the plan is bringing more than \$1,000,000 of new food business into Rochester. Both merchants and their relief customers have praised the set-up enthusiastically.

McAuliffe planned to point out that none of the banks in the dozen other cities where the plan is going had levied a "transaction fee." In fact, in Shawnee, Okla., the banks not only cash the grocers' pasted-up stamp cards but at their own expense they sell the stamps to persons not on relief who are eligible because of low incomes.

Banks here soured on their participation because in some instances they have been forced to add an extra clerk or two to handle the volume of cards.

#### BANK TAX ON FOOD STAMPS.

The *News* sent Grace Robinson of its staff to Rochester, N. Y., last week to report all the ins and outs of the Rochester banks' decision to charge 1 per cent for cashing grocers' food cards, beginning December 1.

#### Chipping at the Surplus.

The more we read of Miss Robinson's findings as printed in the *News* the last few days, the less we like the looks of this proposal.

By means of the orange and blue food stamps, the Government is trying to work off some of our surplus farm products, and to do so in the best way yet thought of; namely, by working off these products into relievers, whose diets are none too varied or vitamin-rich at best.

The scheme as operated in Rochester for some six months has brought Rochester merchants increased business at a rate of about \$1,000,000 a year. A community's banks notoriously profit by any increased business that comes to the community, though most of their profit is indirect.

#### Banks Ought to Cooperate.

When the nation's banking system was tottering toward a record bust-up in 1933, the Government came to its rescue, as was proper. The costs of bailing out the banks fell ultimately on the general taxpayer, or will fall ultimately on him, since all those costs aren't paid yet.

The costs of the food stamp plan, too, will ultimately be paid by the taxpayers, though the Government up to now is using funds in hand or realized from customs receipts to push the experiment in the seventeen cities where it is now operating.

It doesn't seem excessive to us for the Government to ask the banks to cooperate in the food stamp plan to the extent of clearing free of charge such of this paper as comes their way. And we think the Government should stand pat on its determination not to countenance this 1 per cent bank tax on food stamps, even if it has to halt the Rochester experiment to block the tax.

The order was passed under suspension of the rule.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petition of Boston Terminal Company (referred February 20) for two driveway openings at 199 Summer street, Ward 3, recommending that petitioner have leave to withdraw.

Report accepted; petitioner given leave to withdraw.

2. Report on ordinance (referred June 26) concerning notice of liens for water rates—recommending that same be passed.

The report was accepted and the ordinance was passed.

#### ACCEPTANCE OF WARD 16 STREETS.

Coun. FISH offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out as a public highway, under

the W. P. A. type of construction, Burgoyne street, Ward 16, from Elmer road to Ashmont street.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out as a public highway, Cedar Grove street, Ward 16, from Whittridge street to Hallet street, under the W. P. A. type of construction.

Severally passed under suspension of the rule.

#### SIDEWALK, WARD 16.

Coun. FISH offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Van Winkle street, from Dorchester avenue to Dorchester Rapid Transit, and from Bushnell street to Carruth street, Ward 16, in front of the estates bordering thereon, said sidewalk to be from 3 to 10 inches above the gutter adjoining, to be from 5 to 12 feet in width, and to be built of artificial stone, with granite edgestones, under the provisions of chapter 196 of the Special Acts of 1917.

Passed under suspension of the rule.

#### RECESS.

The Council voted, on motion of Coun. HUTCHINSON, at 3.15 p. m., to take a recess subject to the call of the Chair. The members reassembled and were called to order by President MURRAY at 4.37 p. m.

#### REPORT OF COMMITTEE ON FINANCE.

Coun. SHATTUCK, for the Committee on Finance, submitted the following:

1. Report on message of Mayor and orders (referred November 13), providing for rescission of portion of authority to issue certain loans, i. e., High School of Practical Arts, William Howard Taft School, Robert Gould Shaw School, Trade School—that same ought to pass.

Coun. SHATTUCK—Mr. President, this report relates to four loan orders looking to alterations of school building under P. W. A. Federal projects. Under the requirements of the law we have to authorize the borrowing for the buildings at the start, and as we get towards completion and get the money from the Federal Government we then have an opportunity to reduce the authorization. These orders reduce the authorizations on four schools. The total amount is something over \$400,000 and the Auditor has assured me that the work can be completed with the reduced amount.

The report was accepted, and the orders were read once and passed, yeas 19, nays 0.

#### REPORT OF COMMITTEE ON RULES.

President MURRAY, for the Committee on Rules, submitted the following:

1. Report on resolution (referred today) that the work of the Dies Congressional Committee should be continued—that same ought to pass.

Coun. SHATTUCK dissented from the report of the committee.

The report was accepted and the resolution was passed.

#### EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee submitted the following:

1. Report on message of Mayor and order (referred today) for sale of steamer "George H. Hibbard"—that same ought to pass.

Report accepted, said order passed.

2. Report on message of Mayor and order (referred June 26) appropriating \$25,000 for survey of municipal departments, to be extended under direction of the Mayor—that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. WILSON—Mr. President, I certainly desire to have my personal attitude made perfectly plain. For obvious reasons, what I have to say, briefly of course, is not in criticism of the Mayor

or of his department heads. It is what you would expect to hear from a man who thinks the Mayor of Boston, with the salary provided by law and the department heads appointed by him, with the salaries provided by law, are doing a good job of their own accord and with their own ability. This order calls for the transfer of another \$25,000 for the so-called Municipal Survey Committee, looking presumably to efficiency in the departments and the saving of money for the City of Boston. This committee first functioned a year ago when \$25,000 was appropriated, and this is the second proposed item of \$25,000 for its work. We are informed that on that work we have nine persons, four on a regular payroll basis and five clerks from other departments of the city, and with a payroll of \$300 a week. Only today we have received from the committee a six-page report, presumably giving the results of the work of the survey Committee for the past year or more. I want to say in passing that what I have to say is not any reflection on members of the Survey Committee, whom I don't know, and who undoubtedly are making excellent efforts to do the job to which they are assigned. I am not intending to criticize the Mayor, the department heads or the committee, but I am speaking at this time because I do not believe the taxpayers of Boston need to have another \$25,000, making \$50,000, spent for this particular purpose. No member of this Council has had an opportunity since he came into the meeting to read and digest this report of what was alleged to have been done by the committee. I do not profess to have digested it, but I wish simply in passing to point out such outstanding points as have attracted my attention. Under the Collecting Department, for instance, it says, "Arranged a system with the Collector to send out notices for 1938 delinquent taxes in lieu of tax sales." I gather that that plan, formulated as a matter of ways and means, consisted in sending a polite letter out to some people who owed the City of Boston for taxes, that they ought to pay the bill. There is another item in regard to the Assessing Department: "Recommended a plan to speed the handling of applications for abatements within the department which has been started with beneficial results."

In the first place, I want to say from my experience that the city has not benefited to a degree the situation in Ward 17, although I don't doubt that the appointment of two employees may have helped. We are told that there have been improvements in the Water Income Division of the Public Works Department. One of the improvements, we are told, that we get for the \$25,000 already spent, is the ingenious suggestion that when bills are sent out by the city the city pursue the policy of every business house in reminding those who receive the bills of the amount they may owe in addition to the present bill. Under the City Hospital, I am amazed to find out that, for a period of eighteen months, it has been found that about \$10 a day has been wasted on telephone bills. In the Supply Department I note, as an improvement, that "daily purchases have effected savings in many directions." I admit that I have much to learn about the business world, but I had an idea that the way adopted by business houses to save money was to buy in large quantities and not depend on emergency daily purchases. But the fact remains that there are a number of items here and, while I would not disparage the document, I assume that nobody has had a chance to digest it. This matter was put over from two weeks ago until today on the suggestion that various heads of departments could tell the Council what business efficiency and savings in their departments had been brought about as a result of this survey, for which we have spent up to date \$25,000, and for which we are now asked to appropriate an additional amount. I thought myself that today we might hear such suggestions from the department heads, who had come here prepared to address us in Executive Committee, and that we might be able to hear from them personally in regard to savings and additional efficiency in their departments as a result of the services of the committee. But the majority of the Council in their wisdom did not care to hear from those representing the forty-six departments of the City of Boston who have been most closely in touch with the work of the committee. In fact, some took the attitude that it might lead to improved efficiency and promote possible savings outside of the usual functions of

the city departments if we simply continued the work of this committee even at a cost of \$100,000 a year, and that we, the Board of Directors of the City of Boston, need not question, criticize or quibble in the matter. In closing I want to say that my remarks are not in the nature of criticism of any administration, but because I feel, after thirteen years of service in this Body, that in a matter of this kind we should not vote for another \$25,000 to continue the work of the committee with as little information as we have from department heads as to whether the work that has been done warrants such additional expenditure, without hearing from the department heads themselves. No doubt, more than one department head may feel that the savings that may have been made in his own department are the result of the efforts of the Mayor and of his own department, for the performance of which they are receiving salaries from the City of Boston.

Coun. TAYLOR—Mr. President, there is not a member of the Council who can doubt that in the last two years the Mayor of Boston has endeavored to give to the city a good, honest administration, and even the gentleman from Dorchester (Coun. Wilson) has made public statements in support of the honesty and efficiency of the Mayor. The Mayor wants this \$25,000 so that there may be continuous service of this Survey Committee because he has felt that during the past two years the committee has rendered such good service to the city that, in justice to the citizens of Boston, it deserves a continued existence. He has, therefore, asked the Council to appropriate \$25,000. I cannot understand why we should quibble over such a small sum for the continuation of the work that has resulted in so many betterments of service in the last two years. It has been carried out in a most excellent manner, and there can be no question that the accountants and others employed have done work which has resulted in plugging up the loopholes and saving considerable money for the city. The Mayor is endeavoring to give a business administration. The results of the work of the Survey Committee have been submitted to us, and there is no question but what the improvement in service and the saving of money that has resulted have been due to the work of that committee. The Federal Government has a survey committee to check up the work of its departments and cooperate in bringing about improved and more efficient service. Certainly, the benefits of the work already done have been definitely and clearly shown by this honest report, as I think the councilor from Ward 17 (Coun. Wilson) admits. In the Water Income Division of the Public Works Department alone the policy of collection of delinquent water rates has resulted in a surplus of \$654,998 for 1938 as against a total deficit for the preceding four years of \$434,000; certainly a substantial sum. In the City Hospital Department there has been a saving in the last two years of \$182,000 and in the Supply Department a saving of \$220,000. These are facts and figures, which you can see from the books themselves. Where there have been these savings and improvements in service, with the prospect of more to come, as a result of the work of the Survey Committee, I cannot for the life of me see why any member of the Council should oppose the expenditure of \$25,000 more at this time, with the undoubted consequent saving of much more money to the city in the future. Certainly, an order appropriating this additional sum should not be opposed by members of this Council. There is no question in my mind but that any clear-thinking councilor will vote for this appropriation.

Coun. AGNEW.—Mr. President, almost two years ago, when the establishment of this Survey Committee was proposed to the Council, the Survey Committee of which Mr. Whitcomb was to be the head, I was reluctant to spend \$25,000 of the taxpayers' money for the Survey Committee. However, I thought at that time that there was a worthwhile move and idea behind the establishment of the committee. But it seems to me that the committee dribbled and dribbled along without any great accomplishments until the \$25,000 was exhausted, and then a new Survey Committee was appointed when Mr. Whitcomb decided to retire as the head of the Survey Committee. For the committee in its present form I have great personal respect. I have met and know Mr. Foster, the director, and Mr. Moncewicz personally, and I have high regard for them. However, in this proposition

to appropriate \$25,000 more for the work of the committee, I cannot allow myself to be swayed by my liking for the two individuals concerned. I would like to see the Survey Committee come in and show that it has accomplished something. In my opinion, this report does not show that they have saved money for the City of Boston. If anyone wants to contend that they have and can convince me of it, very well. But, Mr. President and members of the Council, I have at all times been influenced in casting my vote in this body by the consideration of what was for the benefit of the citizens of Boston as a whole. I feel, in regard to this matter, that while it may be theoretically worthwhile, as a practical matter it is not worthwhile, and I cannot see myself voting this expenditure of \$25,000. I wish the report presented was more concrete in its nature. I wish we had the privilege of interrogating the department heads of the City of Boston and finding out from them whether the Survey Committee was accomplishing something in their individual department that was for the benefit of the city. We did not have that privilege, and therefore I cannot vote today for this \$25,000.

Coun. HUTCHINSON—Mr. President, this matter came before the Council two weeks ago; so it seems to me that that lapse of time has given each member of the Council a chance to check up on the statements made by the Survey Committee. The various heads of departments were also invited to a conference meeting today, so that each and every member could question them in regard to any department of the city. We talked over the whole matter for quite awhile. Apparently no member had questions that he wished heads of departments to come in and answer. There was one motion made that there be questions submitted and written replies. I say that if any of the members wanted written replies they could have taken action along that line two weeks ago and not have had this unnecessary delay, with nothing accomplished. I say that the members of this committee, who have done good work, should have an opportunity to continue that work, and that we should pass the desired appropriation.

Coun. FITZGERALD—Mr. President, as far as the Water Income Division is concerned, I think much credit is due to Mr. Sullivan, the head of the division, for any savings that may have been made. His predecessor, Mr. McMurry, everybody considered hard-boiled, but he turned out to be a lenient and soft-hearted man, who allowed things to go on. No doubt much of the saving that has resulted at the present time under the present régime, has been due to the stoppage of leaks. There is no doubt that work looking to greater economies and efficiencies has been necessary. Years ago, some of the leaders in certain lines in our city—A. Lawrence Lowell, James J. Storrow, Thomas J. Kenny, and other great minds—were going to have a clean-up of the city, and a survey was made which was supposed to result in an iron-clad, fool-proof system, in which there should be no leaks. But we all saw what happened in a short space of time, such as frequently happens when investigations are made and it is thought that things afterwards are going to run along in a certain way. There is no doubt that some good work has been accomplished by this Survey Committee, but I believe that \$15,000 is a large enough appropriation for it to carry on. It is unfair to the members of the Council to bring in a matter of this kind and try to rush it through at a late hour in the day. There should be a chance for proper consideration. Hearings should be held, not on the day when the Council meets, but on a separate day, giving the councilors an opportunity to come in and give undivided attention to matters that concern the good of the city—this and other important matters that may come up—thus having the time to give proper consideration and arrive at proper judgments on these questions. I believe that \$15,000 is sufficient. But I do think it is unfair to come in in this way at a late hour and take action without proper consideration that will tie up the new body, not giving them an opportunity to see what this committee is doing. It is decidedly unfair. Bright minds come in and think this or that should be done right away, and would like to force action without giving the members of the Body a proper time for consideration and exercise of their judgment. So I would move that the amount appropriated be \$15,000, instead of \$25,000, and I trust that that amendment will pass.

President MURRAY—The Chair will declare the motion out of order on the ground that a transfer order cannot be amended.

Coun. SHATTUCK—Mr. President, I favor the order presented by the Mayor. Everybody realizes that the Mayor has been conducting a good and efficient administration for the last two years, and everybody agrees that the proper running of the city departments is important. One reason for the Mayor's success is the assistance he has received from the Survey Committee. He wishes further assistance of the committee in order to further improve the business of the city. I think he should have the money. I am not dealing with theory, but with facts. We have already accomplished large savings. The Survey Committee has helped to do that, and will help the Mayor in further progress along that line.

The question came on the passage of the order, and the Clerk called the roll, with the following result (fifteen votes being required for passage):

Yeas—Coun. Englert, Fish, Galvin, Harris, Hutchinson, Irwin, Kelly, Langan, Lyons, Murray, Norton, Rosenberg, Shattuck, Taylor—14.

Nays—Coun. Agnew, Kerrigan, McMabon, Wilson—4.

President MURRAY—And the order is rejected.

Coun. TAYLOR—Mr. President, I move a reconsideration, and that the order be assigned to the next meeting.

The motion to reconsider was carried, and the Council voted to assign further consideration of the order to the next meeting.

Coun. WILSON—Mr. President, I doubt that vote and ask for a rising vote.

The Council stood divided, and the order was assigned to the next meeting, ten for and three against.

3. Report on message of Mayor and order (referred May 1) amending housing agreement—recommending the passage of the order in a new draft, as follows:

Ordered—Section 1. The City shall enter into an Amendment to the Cooperation Agreement between the City and the Boston Housing Authority dated as of October 25, 1938, and authorized to be executed by order of the City Council passed on October 24, 1938, and approved by the Mayor on October 25, 1938, in the following form:

Amendment to the Cooperation Agreement Between the City of Boston, Massachusetts, and the Boston Housing Authority.

The Cooperation Agreement between the City of Boston, Massachusetts and the Boston Housing Authority, dated as of October 25, 1938, is hereby amended by striking out the first sentence of subparagraph (d) of paragraph 1 thereof and by inserting in place thereof the following:

The term "Projects" as used in this Agreement shall mean any low-rent housing projects having an aggregate development cost of not in excess of Fifty Million Dollars (\$50,000,000) now or hereafter undertaken within the City by the Authority with respect to which a contract or contracts for Federal Annual Contributions have been made, or will be made with the United States Housing Authority.

Section 2. The Mayor and the City Clerk of the City of Boston, Massachusetts, are hereby authorized to execute in triplicate and to deliver on behalf of the City an Amendment to the Cooperation Agreement dated as of October 25, 1938, as set forth in Section 1 hereof.

The report was accepted, and the question came on the passage of the order.

Coun. WILSON—We are asked today to take the lid off subsidized, tax-free apartment housing in Boston. The present limit set on cooperative agreements locally is \$27,000,000, which still leaves a leeway of some eight million dollars to pay for two more housing projects, in addition to Old Harbor Village and the four projects now under way. Last spring Mr. Breen outlined a contemplated ten-year program, whereby the expenditure of \$191,000,000 would assure the housing of no less than 35,000 Boston families in tax-free low-rent housing projects. And I say tax-free advisedly, because a \$15,000 annual service charge paid in lieu of a \$200,000 real estate tax is in no way comparable to the tax of \$39.90 a thousand now paid by every other property owner in Boston. In addition to which we know that not only the promised \$15,000 service charge was not paid into the city treasury last year, but the city treasury advanced \$30,000

cash to help run the Housing Authority. The immensity of any such program may be visualized when we say that in the average Boston family there are at least two adults, which means a minimum of 70,000 adults in 35,000 families. With about 535,000 adults police listed in Boston, and approximately 325,000 voters, this plan would mean that more than one out of every eight adult residents, or more than one out of every five voters in the entire city, will have been placed in so-called low-rent housing projects within the next ten years. And that, of course, is still the plan of the Housing Authority. These 35,000 families, judging by past records, will be self-supporting families, with a guaranteed steady annual income, on the average, amounting to \$1,245. The average regular family income in forty-one Federal housing projects is admitted to be \$1,265, or about \$25 a week. Housing Authority figures for Old Harbor Village show average family incomes between \$1,260 and \$1,290, a number even in excess of \$2,000 annually. But statistics show that over 50 per cent of all families in Massachusetts earn less than \$1,300 a year. Out of thirty-seven million families in the entire United States, ten million have incomes of less than \$1,000 a year; eighteen million, or almost 50 per cent, have annual incomes of less than \$1,500. I still insist that over 50,000 Boston families, now on welfare or receiving W. P. A. assistance, are not even eligible to be accepted as tenants in these housing projects. Last December Chairman Breen himself told this Council, "We don't feel we should add subsidy to subsidy. If the city is already assisting a family, in the form of welfare, that family of course should not be further subsidized. The Housing Authority feels it should first help those who are now paying their own way largely." Mr. Breen, of course, based that statement, which he made to the Executive Committee of the City Council, correctly on an official communication of the United States Housing Authority a year ago last month: "The immediate purpose of public housing is to raise the living standards of the typical employed families of very low income, who are independent and self-supporting. . . . It is not the immediate purpose of a public housing program to solve the problem of the unemployed and those without reasonable steady jobs or income." And yet in the face of that announced policy and all available figures to date, advocates of public housing still talk about "slum clearance for the poor and the destitute," "rehousing the slum dwellers." Over in Cambridge, less than 10 per cent of the families who lived in the area before the demolition found admittance into Newtown Court. And 17 per cent of the families who moved into the Newtown Court project weren't even listed as Cambridge residents the previous year. Preference at Old Harbor Village was supposedly given families from the poorer sections of the city. But out of the first 978 families, only 12 came from East Boston, 15 from Charlestown, and 26 from Ward 3. No less than 320 came from Dorchester, and 49 from the Back Bay. Take the four projects now under construction, in Charlestown, South Boston, Mission Hill and Lenox street. We are told 7,545 persons, comprising 2,193 families, were moved out of 2,832 dwelling units. They will be replaced by no less than 13,152 persons, comprising 3,291 families, to be housed in 3,291 dwelling units, at an estimated initial construction cost amounting to over \$19,000,000. Over 30 per cent of the migrating families driven from the four areas admittedly had average incomes of over \$1,500 a year; 12 per cent had steady annual incomes of \$2,000 and over; over 16 per cent of the families owned the homes in which they lived, and in Charlestown, where there were 187 resident owners, the figures ran much higher. Hundreds of families in the various areas deeply resented being forced to migrate elsewhere. Scores of little storekeepers saw their little local good-will business wiped out without recompense. Scores of property owners were offered less than the assessed values of properties on which they had paid taxes for years. In a considerable number of cases the only one to benefit from the purchase was the bank holding the mortgage. At the other extreme, it has been estimated in one of the four areas no less than 40 per cent of the residents were receiving welfare or W. P. A. assistance, and so obviously were not eligible as rent-paying tenants in the proposed projects. At Old

Harbor Village where the original cost of six and one-half million had been wholly crossed off, the average income of the 1,016 resident families is about \$25 a week. They tell us that rentals, and therefore required average income in the four new projects, will be substantially lower than at Old Harbor Village,—even though the 1,023 proposed dwelling units at Mission Hill are estimated to cost \$6,473,000, which will not be crossed off, and the proposed 1,089 units at Charlestown, they say, will cost \$6,214,000. The address by Mr. Breen delivered on November 20, 1939, still chanted the phrase "rehousing of slum dwellers," and still defined the word "co-operation" as meaning "tax exemption of low-rent housing projects and the acceptance of a service charge in place of taxation." Why must this program of government subsidy of low-rent, tax-free housing continue to be sold under false pretences? Twenty-seven out of the first fifty-one housing projects, including that at Old Harbor Village, were built on vacant land. Now, at least it can be said of the new projects that there is slum clearance. But any use of the slogan "rehouse the slum dwellers" is a positive snare and delusion. And so also is this continued reference to a service charge in place of taxation, when our local experience has proved, first, that the amount of the so-called service charge is infinitesimal; second, small as it is, payment is by no means certain; and in the third place, the city makes an additional gift to the Housing Authority amounting to twice the promised service charge which was to have been paid into the city treasury. I also bear in mind that although it has been repeatedly asserted there is no material difference between the operation of the English housing acts and our own, as a matter of fact there is the very important difference that the English projects are not exempt from real estate taxes, and so at least to that extent not in direct competition with tax-hurdened, privately owned, real estate. But most ridiculous of all is any request that this Council remove the twenty-seven million limit on public housing, before we have any real detailed figures, or concrete facts, as to the operation or effect of the first twenty-seven million. As long ago as June 5 this body unanimously passed an order which I introduced, requesting certain items of information from the Boston Housing Authority,—and the request was repeated on July 24. Do you know how much of the so-called \$15,000 service charge was actually paid to the City of Boston by December 31, 1938, as agreed; or how much of the \$30,000 handed over to the Housing Authority from the city treasury during 1938 as a loan was actually returned to the city as specifically agreed by the Housing Authority in writing on February 24, 1938? Do you know exactly what disposition was made of the \$30,000 passed over to the Housing Authority during 1938, except that \$800 was spent for a set of law books, \$690 for memberships in National and State Housing groups, and \$600 for an experimental apartment? Do you know whether \$25,000 more has been given the Housing Authority this year by transfer from the Contingent Fund? Do you know how ridiculously low the so-called "service charge" for the four projects now in process will be; or whether the \$15,000 service charge for Old Harbor Village has been paid in full for either 1938 or 1939? Have you any real idea as to the present number of officials and employees of the Boston Housing Authority, or the weekly pay roll, or why outsiders should be paid a 2 per cent brokerage commission for inducing frightened owners to sign away their property at a sacrifice figure? Do you know whether such properties as were owned by the city were taken and paid for at the assessed valuation, or only at the tax-title price? Do you know how much property, including scores of city streets, have been substantially donated to the Housing Authority by the city? In addition to waiving all real estate taxes on nineteen million dollars worth of property included in the new fifty-four-acre development, do you know what other donations are being made by the City of Boston, either in the form of abandoned city streets and other areas or in sewer or other work? Have you ever seen the financial report of the Boston Housing Authority which should have been filed in January, 1939, with the City of Boston under the provisions of chapter 434, section 26EEE, of the

Acts of 1938? Do you know that the promised increased property valuations in the vicinity of Old Harbor Village have failed to materialize? Do you know whether further serious wall leakage in various buildings at Old Harbor Village again took place this past month? Do you know that our local program of apartment house projects is not the one being now followed in practically all other great cities in the country? I quote from a letter of the United States Housing Authority to me, dated August 24, 1939: "Of the fifty-three projects for which main construction contracts were awarded as of June 30, 1939, only seven are exclusively of the apartment house type, seven others are a combination of the apartment and row house type, while the remaining thirty-nine are exclusively row houses or twin houses or, in a few cases, a combination of row houses and flats. The term 'row houses' does not necessarily denote extremely long buildings. Some row buildings contain as few as three or four dwelling units. This is important. The savings in construction cost where row or twin houses are used is, of course, apparent. We have also found that in most cities the row or twin house which is, in effect, two or more separate houses joined together for economy in construction, make it possible for the local authority to shift some of the burden of maintenance to the tenants and thereby achieve lower rents." On completing its second year the United States Housing Authority reports fifteen projects occupied or nearing completion, 100 other projects under construction, and 296 projects in 135 cities approved, all at an estimated cost of \$4,587 per dwelling unit, not including cost of buying and razing old slum buildings. Meanwhile, four and five room frame houses have been developed and sold in St. Louis at a cost of \$2,930 to \$3,150 per house, including garage, hot air heating, hardwood floors, and tiled bathroom and kitchen. These houses are within reach of \$1,500 to \$2,000 a year families, since they can be purchased for \$300 down and about \$21 a month. On such an arrangement the occupants have a real stake in the community in which they live, and the development is not in direct competition with privately owned real estate which already bears over 80 per cent of the cost of government. Do you know to how great an extent the construction of millions of dollars worth more tax-free housing will be in direct competition with tax-burdened property owners whose buildings self-supporting families making an average of \$25 per week will vacate? Except for vague guesses, do you know what, if any, provision in further housing apartments will be made for over 52,000 Boston families now on welfare or W. P. A.? Have you any definite, accurate conception of the desires of the great majority of the residents of your ward, so far as this vital question is concerned? As a matter of ordinary intelligence and average business experience, don't you believe at least we should have some very definite information from an actual working of a substantial part of the first twenty-seven million, before we make the sky the limit? Even Mr. Breen, in his recent remarks, pointed out that the Boston Housing Authority "has one of the largest outstanding commitments for Federal funds among the large cities of America." That being so, it would almost seem as though the most ardent housing advocates could afford to take it easy, until we have some concrete proof of the full advantages of housing to an unlimited extent. To date there has been no evidence whatever that it "re-houses slum dwellers." The poor and the destitute have received none of the benefits and nobody can claim that they have. Hundreds have been forced to migrate from their homes much against their desires. Of the 35,000 Boston families reported to be in the so-called lower middle class bracket eligible for housing project tenancy, only 4,207 will have been housed as a result of \$25,000,000 of expenditure. And the effect on the financial structure of the city is still to be learned. Finally, may I suggest that it was land-hunger and the home-owning instinct and the desire to be reasonably free and independent of government control or interference that made this nation great. I don't believe that virtually ignoring the actually poor and the destitute,—even incident to slum clearance,—and setting up a selected group of 5,000, or even 10,000, self-supporting families

with an average weekly income of \$25, in tax-free, subsidized apartment blocks, is fair to the rest of the community, or economically sound. At least before we increase the amount about \$27,000,000 we should be able to chart the future by the experience and the figures of the past. Before we order another full course dinner let's see if we can digest the first. Any body of men which blindly votes in favor of the present proposal, without any more facts or figures than have been made available to this City Council to date, ought to be legislated out of existence. You'll be hanging a millstone around the neck of the city. And there isn't a man in this room that has a single fact or figure on which he can honestly refute that statement. You owe it to yourselves,—but most of all you owe it to the people you represent,—to wait until you have such figures and something on which to base a vote to exceed the present \$27,000,000. At least you won't bankrupt your community if you vote "no" at this time, and are wrong. But if you blindly vote "yes" and you're wrong, Boston will reap the whirlwind. I trust no unpleasant inference is to be drawn from the fact that this important vote is taken a few weeks after election rather than before election day. There is sufficient leeway under the existing agreement to construct at least two more housing projects, making seven in all. I urge that logically we should not commit ourselves to more tax-free subsidized apartment housing projects until we can fairly judge the results of the program already aggregating over \$33,000,000. That would be just ordinary business precaution. That is a rather extensive statement of the situation, Mr. President. But once this body has passed here this proposed order, and I feel that it will be passed by a majority of the members of the Council,—it will be beyond the power of these twenty-two men or any other twenty-two men, and it will be beyond the power of the authorities of the City of Boston, to call a halt, in the interest of the tax-paying public. Time and time again it will be thrown up to you that you created the situation, and the Housing Authority will remind you that it is none of your business what they do; and, more than that, carrying out their policy up to the present time, they will refuse to give you figures and facts in spite of orders passed by this Council and questions you may ask that any ordinary business man in Boston would expect to ask in a matter that concerns the expenditure of many millions of dollars. So, while my services here are nearing an end, I would like it made a matter of record that I voted against passing the order, because I believe it is simply one more step towards an absolute sky limit by those in favor of such housing, and I believe if this sort of thing continues Boston will change from a city of homes and of apartment dwellers to a department of the Federal government. I have no criticism, incidentally, of those who dwell in apartment houses. Many prefer them and they are at times more convenient for certain people in a great city. We must have apartment houses. But I again repeat that it was not brick blocks that made this nation great. It was the desire of the American citizen to own his home. I would also state again that, for far less than is being spent here today, the great city of St. Louis and other cities in this country, have already proved that single houses can be built and bought on the instalment plan by the same types of people who move into these apartment blocks, at a third less than it is costing the American government to erect these projects in Boston and in other cities, these projects simply going on as they are because it is getting to be the popular thing for people to put their hands in the dough dish. I don't care whether the expenditure in such a case is a million or one hundred million, whether it is spent in Hawaii, in Boston or in other cities of the United States, let nobody deceive himself with the idea that in these projects we are getting something for nothing. We are simply taking the money expended in this way from the taxpayers, money that should not be used for this purpose.

Coun. CHASE.—Mr. President, I also wish to express my sentiments on this matter of Federal housing. About a year ago this Body voted for Federal housing at Mission Hill and in the South Boston area, and the same sort of projects have been advocated for other areas. And yet, when these projects were started, what did the Council

hear? Hundreds of people appealed to their councilors, stating that they were being thrown out of their homes, forced to go into other areas where worse conditions prevailed than in the homes where they had lived. I remember only too well an old colored woman from Roxbury who appealed to the Council to do something for her and others in her position, stating that the Housing Authority was forcing her into a rat-infested area. It became clear that thousands of people would be forced out of their homes into areas much worse than those in which they were living. A number of people say that Federal housing is going to benefit the poor. I say that Federal housing should never be considered by this Council if we are to have any humanitarian feelings, that it will be of no benefit to the very needy. I say it is the neediest poor who should be given the benefit, and that the neediest poor are being forced into slum areas, while men earning \$2,000 a year—much more than the neediest people in the community earn—are the ones who are to be benefited; not the people in this city or in other parts of the United States who have only \$15 a week, because those people are not eligible to live in Federal housing projects. What sort of hypocrisy is it when this Council is told that in voting for a project of this sort we are going to benefit the poor? The poor people of Boston will not be benefited. They are going to be shunted into areas where the living conditions will be much worse than the places they now occupy.

Coun. NORTON—Mr. President, I thought I was living sixty years ago when I heard the members here condemning slum clearance. Do you realize what a wonderful thing has been done in furnishing decent homes to poor children? I would like to have members of this Body who do not believe in these projects come out with me and visit places where they are in operation and see the wonderful work that they are doing. And I would like to make a date now.

Coun. CHASE—Mr. President, I would like to enlighten this Body about a few things.

President MURRAY—The gentleman is out of order. Coun. Norton has the floor.

Coun. CHASE—Mr. President, the gentleman, I understood completed his remarks, and I then took the floor. I have not surrendered the floor to him.

President MURRAY—Coun. Norton has the floor. The Chair understands that he has not completed his remarks.

Coun. NORTON—Mr. President, I had not yielded the floor to the gentleman. As I sat here, it seems as if I were listening to remarks made sixty years ago, from the friends of slums. How dare you stand on this floor in the year 1939 and try to condemn something that the whole civilized world has accepted? You a friend of the poor! You talking about poor people! Go over there to this project in South Boston and see that children's paradise, with 2,000 or more children. Go over there and see the husbands, wives and children, you friends of slums, and you will not come back here and say that they should not be there. The average income of a man living over there in South Boston is \$25 a week, and I challenge anybody within hearing of my voice to get a decent home in Boston on an income of \$25 a week. Who is over there? A man running an elevator in Jordan Marsh's, a man working in a bar room at \$25 a week,—people in those walks of life, who would be unable under ordinary conditions to get such decent housing as is afforded over there. As for the remarks of the councilor from Ward 17, if anybody wants to get an accomplished lawyer, familiar with Webster's Dictionary, who can draw up interrogatories that will go into the profoundest details and who can put a desperate case in the very best light, he should see my good colleague! We have heard from the councilor on my left (Coun. Wilson) that there are fine hardwood floors in the houses to be demolished in connection with the Charlestown project, but he did not tell you that over in Charlestown, in the houses to be demolished, 80 per cent are without central heating and 50 per cent without hot water, to say nothing of the overcrowded conditions that exist. But if you will go over to the project in South Boston you will find 2,000 children in decent apartments getting a good warm bath for the first time in their lives. Members of the Council, in voting for this order you are going to look back twenty years from now upon your vote as the most important vote in your political careers. We are

now in this matter facing such a situation as Horace Mann faced in 1847 and 1848 in the matter of schools for the under-privileged, resulting in the magnificent educational facilities furnished in every civilized American community today. You are in the same position as confronted those who started the Boston City Hospital in 1860. There were objections then from the same type of philosophers who come here today and condemn slum clearance. They tell you that this does not relieve the problem of the very poor. If that is so, why not take \$300,000 from welfare and furnish rent free in such projects to the worst and neediest families in Boston, so that they will not have to pay a cent for rent? Take those who are in old homes, homes with leaky roofs, and without proper living facilities and put them over there.

Coun. WILSON—If you file such an order, I shall be glad to vote for it.

Coun. NORTON—I have already filed such orders, but have found no help.

Coun. WILSON—I will vote for it.

Coun. NORTON—Well, you are only one. Ask the rest of your colleagues to vote for it. If you are a friend of the poor, you can come in at the next meeting and help pass a vote that rent for people in such circumstances in some of these projects will be nothing. Then you will take care of the people that you refer to. We can do that sort of thing if we have enough of these projects, but why in the name of God, when three times as many children die in the first year of their lives in the congested areas than in the suburban district I come from, isn't something done about it? There isn't a reason in the world, except the opposition that comes from philosophers in politics, who are unwilling to give to the poor children, the masses, warm homes and proper living conditions. Let us close this battery of argument, and let us act in the interest of poor, deserving people in this community. Do you want to throw out those 2,000 children over there who for the first time in their lives are enjoying a warm home? Let me tell you about the only family that I put in in South Boston, the only one. That was the family of a woman who works down in Thompson's Spa, who had three children, and who lived up near the Old Howard Theatre, in a miserable apartment. She has now been over there in the project for a year and a half, and she thanks God that a sick child, with a tendency to tuberculosis, is now well. Never before had she appreciated the blessings of a good, warm home. She never lost a day in fifteen years at Thompson's Spa, a hard working, worthy woman, with three children. She feels that the conditions she now enjoys with her family are heavenly. Does anybody here want to throw her out? But I don't worry,—there are enough humane members of the Boston City Council to vote for that unit and other units and to see that they are carried through. I was invited and went over to a very interesting affair in the South Boston project, where the youngsters presented me with a bouquet, and where I had the delightful experience of meeting these happy children who now have a warm home. In the name of God, is there anyone who would deny to 2,000 children a decent home? You will look on your vote for this order today as the finest vote you ever cast, in years to come, because you are helping the poor. Political life is short. We are going through it today and it is over tomorrow. You and I can only hope that somewhere, somehow, here or there, we are giving help to the under-privileged. Of course, there are always these philosophers who will try to hold up Uncle Sam when he is attempting to do something for the under-privileged people of this country. Out in Cleveland a month ago we had the cry, "Stop this welfare racket." Well, you know what happened there last week in Ohio, as a result. I say that if you stop W. P. A., taking away from millions what they receive in that way, you will soon have no cities and will have no country. Don't you allow anyone to attack those people. They are your brothers and sisters, fathers and mothers. You hear fellows talking about eliminating that man in the White House, our great humanitarian President. What is going to happen to this country if people who are now unable to get work are not to be provided with an opportunity to make a living? I say that before we get through this public housing is going to cost millions more, and in voting for this order today you will be casting the finest vote of your political careers. You are doing something constructive

for the under-privileged, and you will always look back on your vote as one of the finest votes you ever cast as public officials.

Coun. CHASE—Mr. President, in answer to the councilor from Hyde Park, let me say that I recall not so long ago that he was in my district, with other potential office seekers, and he raised the issue of housing at that time against me. But we have found out how the people feel in regard to it. I may also state that when I sought re-election to the office of City Councilor my vote on public housing was raised as an issue against me, and we know the result. When the councilor speaks about these projects taking care of the poor, I want to remind him that those on Welfare or W. P. A., getting \$18 a week, will not benefit by these housing projects, and it is such people who constitute the majority of the poor in Boston. I am happy to say that the people in my district were too intelligent to fall for the sort of talk that we have heard from some of the members of this Honorable Body, and I would urge the Body to recall the actions of the gentleman from Hyde Park, actions into which he has been led as a result of his methods of reasoning. I would refer back to the dog track episode. Originally he favored it because he thought it would be for the benefit of the district, but suddenly he turned over and was against it. I might also say that, as chairman of the Committee on Appropriations this year, I conducted one of the longest hearings that we have had on the budget. The councilor from Hyde Park was a member of that committee, but did not appear—

Coun. TAYLOR—Mr. President, I rise to a point of order, that the councilor is not now speaking on the question, but merely on a personal issue.

President MURRAY—The point of order is well taken.

The clerk will now call the roll.

Coun. NORTON—Mr. President, I rise to a point of order.

President MURRAY—What is the point of order?

Coun. NORTON—That I should have the right to answer for the record what the gentleman has said. I would say to the gentleman, when he speaks about conducting the budget hearings, that your action on the budget was a disgrace.

President MURRAY—The gentleman is out of order.

Coun. SHATTUCK—Mr. President, if we are to have any fairness and decency in this Body, one man cannot be ruled out of order when he makes a personal remark, while another man, who makes a more personal remark, is allowed to continue.

President MURRAY—The question is on the passage of the order, and the clerk will call the roll.

The order was passed, yeas 16, nays 4.

#### REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

Report on petition of Felix F. Sharkey (referred October 23) to be reimbursed for amount of judgment issued against him on account of his acts as member of Boston Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of six hundred dollars (\$600) be allowed and paid to Felix F. Sharkey in reimbursement for amount of judgment issued against him on account of his acts as a member of the Boston Police Department, said sum to be charged to the Contingent Fund.

The report was accepted and the order passed.

#### PAYMENT TO DANIEL A. WHELTON.

Coun. FITZGERALD offered the following:

Ordered, That the sum of six hundred dollars be allowed and paid to Daniel A. Whelton in reimbursement for amount of premiums paid by him on his bond as Special Sheriff of Suffolk County, said sum to be charged to the Contingent Fund.

The order was referred to the Executive Committee, Coun. FITZGERALD requesting that the Corporation Counsel be invited to be present when the order was considered.

#### TRAFFIC, WARD 20.

Coun. LYONS offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install automatic traffic signals on Centre street, West Roxbury, in front of the Holy Name Church.

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install a "stop" sign at the corner of South and Centre streets, Ward 20.

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to devise a new route for the trucks of Moran Service, Inc., who have the Brighton ash removal contract and whose trucks now pass through La Grange, Lasell and Baker streets, West Roxbury, to reach their dump in Dedham.

Severally passed under suspension of the rule.

#### TRAFFIC SIGNALS, WARD 13.

Coun. HUTCHINSON offered the following: Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install automatic traffic signals at the following intersections in Ward 13, the expense of same to be charged to the Contingent Fund.

Dorchester avenue and Crescent avenue.

Blue Hill avenue and Quincy street.

Dorchester avenue and Savin Hill avenue.

Passed under suspension of the rule.

#### TRAFFIC SIGNALS.

Coun. HUTCHINSON offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to inform the City Council as to the number of complete automatic traffic signals which he has available for installation and also a complete list of the equipment which he has on hand for repairing such traffic signals as may require same.

Ordered, That the sum of one hundred thousand dollars be, and the same hereby is, appropriated, to be expended under the direction of the Traffic Commissioner for the installation of automatic traffic signals at dangerous intersections throughout the city and that the City Treasurer be authorized to issue, from time to time, upon the request of the Mayor, bonds or certificates of indebtedness of the city to said amount.

Coun. HUTCHINSON—Mr. President, members of the Council have repeatedly introduced traffic light orders for their districts into this Body, and councilor after councilor has been refused, with the answer that there is not money enough for traffic lights. We all know that the life and safety of the people of Boston are important. I myself have spoken to the Mayor and told him that if nothing else was done in my ward I would like to have traffic lights in certain places. I have tried to get money through the Highway Fund on the theory that traffic lights were just as important on a road as the surface of the road. I claimed that it is not only necessary to have properly surfaced highways, but that it was up to us to maintain them under safe conditions. That was refused, and I then introduced an order to provide money for the purpose out of tax title real estate. That also was refused. I now offer an order to take money for this purpose by loan, and I imagine that that will be refused.

Coun. WILSON—Mr. President, I would like to ask the gentleman a question. If the order for \$25,000 for the work of the Survey Committee fails to pass, might not that money be used for traffic lights?

Coun. HUTCHINSON—Mr. President, since I came into the Council I have never voted against a worthwhile order on the ground that my action on another worthwhile order might be considered as a boomerang. All orders, of course, must stand on their merits. One of the orders I have introduced refers to such equipment as the Traffic Commission may now have in their yard. I understand that they have equipment there that has not been used for nine years, although



councilor after councilor has been asking for traffic lights, and we all know that it is a rare occasion when a traffic light is howled over by an automobile. The other order I have introduced which provides \$100,000 for traffic lights is an order that will mean protection of the lives and safety of the people of Boston, and I hope it will pass.

Coun. AGNEW—Mr. President, I recall a few months ago when the Mayor in his generosity sent an order to the Council providing \$11,000 for traffic lights, the Council, as I remember, by a tie vote, rejected the order. But the Mayor did try to do something along this line in that way, and the Council rejected it.

Coun. HUTCHINSON—Mr. President, I would like to ask a question. Isn't it a fact that \$11,000 was not enough to begin to take care of the situation?

Coun. AGNEW—It is also true that a survey was made three, four or five years ago, and it developed that the amount necessary for traffic lights in the city would be \$2,000,000. Of course, that was out of the question. But we could have taken the money that the Mayor offered and probably later have received more. We rejected the order for traffic lights, however, and that money was invested in the Deer Island chicken farm.

President MURRAY—The Chair will remind the gentleman that this discussion is immaterial. The question is on the passage of the orders.

The order requesting the Traffic Commissioner to inform the Council as to the number of complete automatic traffic signals available was passed and the order to appropriate \$100,000 for the installation of automatic traffic signals, was referred to the Committee on Finance.

#### GUARD RAILS ON BRIDGES.

Coun. GALVIN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange for the installation of guard rails on the Alford Street Bridge and the Prison Point Bridge for the safety of motorists using these bridges.

Passed under suspension of the rule.

#### WELFARE PAYMENTS BEFORE CHRISTMAS.

Coun. GALVIN offered the following:

Ordered, That his Honor the Mayor be requested to direct the officials of the Public Welfare Department and the Soldiers' Relief Department to make arrangements so that every recipient of aid or relief be given such payment sufficiently in advance of Christmas as to permit such recipient to make necessary purchases for the holiday season.

Passed under suspension of the rule.

#### LIST OF ABATEMENTS AND REFUNDS.

Coun. KERRIGAN offered the following:

Ordered, That the Board of Assessors be requested, through his Honor the Mayor, to furnish the City Council with a complete list of abatements of \$10,000 or over which have been granted under the present administration since the beginning of the year 1937, together with a complete list of cash refunds of \$200 or over which have been made on taxes which had already been paid; and he it further

Ordered, That any further abatements of \$10,000 or over and any cash refunds of \$200 or over be published in the *City Record*.

Passed under suspension of the rule.

#### REPORT ON INCREASED DEPARTMENTAL EFFICIENCY.

Coun. WILSON offered the following:

Ordered, That all heads of city departments, through his Honor the Mayor, be respectfully requested to submit a brief written report of increased efficiency and savings in each department effected solely as a result of services rendered by the Municipal Survey Committee.

Passed under suspension of the rule.

#### RESURFACING OF DORCHESTER AVENUE.

Coun. FISH offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving as a W. P. A. project, Dorchester avenue, Ward 16, from the Rapid Transit Bridge to Gallivan Boulevard.

Passed under suspension of the rule.

#### BOSTON COLLEGE FOOTBALL TEAM.

Coun. FISH offered the following:

Whereas, The Boston College Football Team has just completed a victorious season and demonstrated to all football lovers that it is the superior team of the New England States; therefore he it

Resolved, That the City Council of Boston record its desire that the Boston College Football Team engage in one of the so-called "Bowl" contests to decide the supremacy of the football aggregations of different sections of the country, and that copies of this resolution be forwarded to the authorities in charge of arrangements for so-called "Bowl" games.

Referred to the Committee on Rules.

Adjourned, on motion of Coun. KERRIGAN, at 6 p. m., to meet on Monday, December 11, 1939, at 2 p. m.



CITY OF BOSTON.

Proceedings of City Council.

Monday, December 11, 1939.

Regular meeting of the City Council, held in the Council Chamber, City Hall, at 2 p. m., all the members present and Coun. FITZGERALD presiding in the temporary absence of President Murray.

VETO OF DRIVEWAY OPENINGS.

The following was received:

City of Boston,  
Office of the Mayor, December 7, 1939.  
To the City Council.  
Gentlemen,—I return herewith disapproved and without my signature three (3) permits for driveway openings at 47 Broad street, 21-35 Pearl street and 473 Atlantic avenue.

The petitions for driveway openings at these respective locations were filed with your Honorable Body during the month of October, 1938. No action was taken on these petitions by your Honorable Body until the meeting of November 20th of this year.

I am informed that each of the petitioners no longer require the openings as requested and for this reason I have vetoed the permits as granted by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

Placed on file.

TRANSFER FROM PARKMAN FUND.

The following was received:

City of Boston,  
Office of the Mayor, December 11, 1939.  
To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Board of Park Commissioners requesting the transfer of the sum of \$11,810.16 from the income of the George F. Parkman Fund to the Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887.

I submit herewith an appropriation order and respectfully recommend its immediate passage by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, December 11, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—By vote of the Board of Park Commissioners you are respectfully asked to request the City Council to transfer from the income of the George F. Parkman Fund the sum of \$11,810.16, which is the final balance now available, to be expended under the direction of the Board of Park Commissioners as follows:

Common and Parks in Existence on  
January 12, 1887, Maintenance  
and Improvement of..... \$11,810 16

When making up the budget estimates for the year, a sum equal to the total yearly income of the George F. Parkman Fund was deducted from Item A-1, Permanent Employees, with the understanding that this deduction was to be replaced by the total yearly income of said Parkman Fund for 1939, to be transferred as it accrued from time to time during the year to the regular maintenance appropriation of the Park Department.

Respectfully yours,  
WILLIAM P. LONG, Chairman.

Ordered, That the sum of \$11,810.16 be, and hereby is, appropriated from the income of the George F. Parkman Fund, to be expended, under the direction of the Park Commissioners, for the

Maintenance and Improvement of the Common and Parks in Existence on January 12, 1887, as follows:

Common and Parks in Existence on  
January 12, 1887, Maintenance  
and Improvement of..... \$11,810 16  
Referred to Executive Committee.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council the following appointments by the Mayor were submitted, viz.:

Constable for term of one year, beginning with first day of May, 1939, with authority to serve civil process upon filing of necessary bond: Carl L. Petterson, 4 Hooper street, Ward 17.

Weighers of Coal: Frederick Stevens, 24 Frederick road, Braintree, Mass.; George H. Buck, 289 Medford street, Charlestown, Mass.  
Severally laid over a week under the law.

ABATEMENT OF DUST NUISANCE,  
FENWAY.

The following was received:

City of Boston,  
Office of the Mayor, December 11, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the Park Commissioner relative to your order of November 20, 1939, concerning the arranging for the abatement of the dust nuisance existing in the area of the Joseph Lee Playground in the Fenway, caused by the dusty condition of the Athletic Field.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, December 5, 1939.  
William T. Doyle,  
Chief Clerk Mayor's Office.

Dear Sir,—I have your memorandum of recent date with inclosure, order from the City Council regarding the dust nuisance at the playground in the Fenway.

Our playground season is practically closed, and we are about to flood the area for winter skating—there will be no further cause for complaint.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

CLOSING OF SCHOOL CENTERS.

The following was received:

City of Boston,  
Office of the Mayor, December 11, 1939.  
To the City Council.

Gentlemen,—I transmit herewith letter from the School Committee Secretary relative to your order of November 20, 1939, concerning the closing of the school centers from November 10 to June 1.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
School Committee, December 6, 1939.  
Hon. Maurice J. Tobin,  
Mayor of Boston.

Dear Sir,—At a conference of the School Committee held on Monday evening of this week, a communication was received from your office transmitting order passed by the City Council November 20, 1939, requesting the Committee, through your Honor, to "reconsider and rescind their order to close the school centers from November 10 to June 1."

The School Committee would respectfully report that no order closing the centers has been passed by the School Committee. The center sessions were discontinued on November 22 because the department appropriation was practically exhausted. The centers will reopen on January 3, 1940.

Respectfully yours,  
ELLEN M. CRONIN, Secretary.

Placed on file.

## PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

## Claims.

Josephine M. Barrett, for compensation for injuries caused by an alleged defect at 141 Arlington street.

Edward J. Bradley, for compensation for damage to car by fire engine.

Cecil W. Cantrell, for compensation for damage to car by street sweeper.

Nathan Finkelstein, for compensation for damage to car by car of Health Department.

Nellie Hoar, for compensation for damage to property at 127 Marcella street, Roxbury, caused by blasting work.

Mrs. Weintraub, for compensation for damage to truck by city truck.

Frank Losordo & Son, Inc., for refund on building permit.

Salvatore Mazza, for compensation for injuries caused by an alleged defect at Broadway and O street, South Boston.

Emily Moran, for compensation for damage to car by ladder truck.

Robert A. Ellis, for compensation for damage to car caused by defective gate on bridge between Atlantic avenue and City square.

## Committee on Ordinances.

Petition of Edith G. Field for driveway opening at 91 Brooks street, Brighton.

## CONFIRMATION OF CONSTABLES.

Coun. ROSENBERG called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor December 4, 1939, of James F. McDermott, Jr., and Louis Franzosa, to be Constables authorized to serve process upon filing bonds.

The question came on confirmation. Committee, Coun. Sullivan and McMahon. Whole number of ballots 13, yes 12, no 1, and the appointments were confirmed.

## CONFIRMATION OF WEIGHERS.

Chairman FITZGERALD called up, under unfinished business, No. 2 on the calendar, viz.:

2. Action on appointments submitted by the Mayor December 4, 1939, of Peter J. Bellia and Percy R. Bracey, to be Weighers of Coal; and Richard T. Fay, Frank E. Hodges, Michael Keane, Abraham Noble and Doris Kennedy, to be Weighers of Goods.

The question came on confirmation. Committee, Coun. Irwin and Kelly. Whole number of ballots 12, yes 10, no 2, and the appointments were confirmed.

## RECESS.

Chairman FITZGERALD at 2.33 p. m. declared a recess subject to the call of the Chair. The members reassembled and were called to order by Chairman FITZGERALD at 2.46 p. m.

## EXECUTIVE COMMITTEE REPORTS.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on petition of Mary G. McDermott (referred June 12) to be paid an annuity on account of death of her husband, John J. McDermott, late member of the Fire Department—recommending passage of accompanying order, viz.:

Ordered, That under the provisions of chapter 340 of the Acts of 1933, an annuity of twelve hundred dollars be allowed and paid to Mary G. McDermott, widow of John J. McDermott, a member of the Fire Department, who died on March 26, 1939, on account of injuries received in the performance of his duty; said annuity being made up of allowances as follows:

For the widow, Mary G. McDermott, so long as she remains unmarried, \$1,000 per annum;

For the following-named child, during such time as she is under the age of eighteen or over said age and physically or mentally incapacitated from earning, \$200 per annum: Grace F. McDermott, born December 10, 1922;

the payments to date from March 26, 1939, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted; said order passed.

2. Report on message of Mayor and order (referred today) appropriating \$11,810.16 from income of George F. Parkman Fund to be expended under direction of Park Commissioners—that same ought to pass.

Report accepted; said order passed, yeas 15, nays 0.

## SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in City of Boston for month of December.

Report accepted; said order passed.

## ENFORCEMENT OF PARKING REGULATIONS, DORCHESTER.

Coun. FISH offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to instruct the men under his jurisdiction to rigidly enforce the parking regulations on the streets in the immediate vicinity of the Supreme Market, Gallivan Boulevard, Dorchester.

Passed under suspension of the rule.

## INFORMATION AS TO BOSTON ELEVATED ORDER.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to advise the City Council with reference to Council order passed June 12, 1939, asking action by the Corporation Counsel concerning the Boston Elevated Railway Company.

Coun. WILSON—Mr. President, on June 12, 1939, the Council passed an order which I introduced requesting the Corporation Counsel to bring a bill in equity on behalf of the City of Boston as a stockholder of the Boston Elevated Railway; and, in order to make the City of Boston a minority stockholder of the Elevated, I would state that I personally that morning purchased from Burr, Gannet & Co. a share of stock in the Boston Elevated, at \$48.50, which I and other councilors are prepared to donate to the City of Boston if the Council and the Mayor comply with the Council's suggestion in regard to the Corporation Counsel preparing such bill in equity. I am aware, of course, of the fact that the Finance Commission are supposed to be studying the books and the management of the Boston Elevated, although the results of that investigation, tentative or otherwise, are yet to be reported. Naturally, before the close of the month, I would more than appreciate the advice of the Corporation Counsel or the Mayor's Office in regard to any possible action in accordance with our request. In the meantime, nothing has happened, except that the members of the Council who may participate in the purchase of this share of stock have been enriched by a dividend of \$1.25. I would certainly like to have the attitude of the city in this matter made more clear, in order that we may know before the end of the year whether this share of stock is to be placed in the name of the City of Boston. With that in mind, and also with the hope that the Finance Commission might make some report of progress, I have offered this order at this time.

The order was passed under suspension of the rule.

## SURVEY COMMITTEE APPROPRIATION.

Coun. NORTON called up, under unfinished business, No. 3 on the calendar, viz.:

Ordered, That the sum of \$25,000 be, and hereby is, appropriated, to be expended under the direction of the Mayor, for a survey of municipal departments, methods, activities, for the purpose of ascertaining what economies can be recommended, said sum to be charged to the appropriation for the Contingent Fund.

The question came on the passage of the order.

Coun. WILSON—Mr. President, I spoke at some length upon this order at our last meeting, of December 4, and I then felt that it was highly undesirable for the Council to pass this additional transfer of \$25,000 without in some way consulting the department heads of the city. I introduced an order last week trusting that the question might be submitted in writing to the various department heads, so that we might obtain information as to whether the work of the Survey Committee had been satisfactory to their departments. But, although a number of department heads were present here at our last meeting, they were not consulted at that time in regard to their feeling in the matter. I have since, however, consulted various department heads and, frankly, have been somewhat surprised to find that they invariably stated that in their opinion the services of this committee have been of substantial value. After all, the passage of this order, if it is passed, could not be considered as a reflection on anybody but the department heads, if a reflection on anybody, and I now frankly admit, after such conference with them, I must rely in this matter, in spite of the feeling I was previously inclined to have, on their opinion, that the work of the committee is of substantial value. I feel, in fairness to the members who agreed with me at the last meeting, that I should state that I shall now vote for the order. I shall, therefore, today vote "yes" on its passage.

The order was passed, upon roll call, yeas 20, nays 0.

#### NEW SIDEWALKS, FLORENCE STREET.

Coun. LANGAN offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to construct new sidewalks along both sides of Florence street, Ward 19, under the W. P. A. type of construction.

Passed under suspension of the rule.

#### SHORT RECESS.

By direction of the Chairman, the Council at 2.58 p. m. took a short recess until 3.05 p. m.

#### ACCEPTANCE OF LAND, WEST ROXBURY.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to accept donation of 300,000 square feet of land in the West Roxbury district of Boston, together with such other donations of vacant land as may be presented.

Coun. SHATTUCK—Mr. President, I would ask what land is about to be donated, and where it is?

Coun. WILSON—Mr. President, I do not blame the gentleman from the Back Bay for wondering, even in this approaching Yuletide season, about this proposed gift to the city. But I am informed that there is no other section of the city outside of West Roxbury, except Hyde Park, where there is any such tract of land as is here suggested, that might be presented to the City of Boston. I am, however, informed that there is such a tract which has been offered to the city, with more to come, which, together with possible tax title additions, land which may be acquired under tax title procedure, will result in very substantial tracts of land coming in the near future to the City of Boston. I do not understand that the gift referred to will be other than a 100 per cent gift, made in the Christmas spirit.

The order was declared passed under suspension of the rule.

Coun. TAYLOR—Mr. President, I don't see how we can accept anything without knowing what we are accepting. (Laughter.)

Chairman FITZGERALD—The order has been passed.

Coun. TAYLOR—Yes, it seems to have been rushed through, but I would like to have a reconsideration.

Chairman FITZGERALD—It is only a request, after all, so that no harm will be done.

Coun. TAYLOR—Well, even in the case of a request for acceptance of a donation of this kind, I think we should know something about what we are acting upon.

Chairman FITZGERALD—Well, of course, the Mayor can, if necessary, exercise the veto power.

Coun. TAYLOR—I don't believe we should accept a pig in a poke.

The order stood passed.

#### FLOODING OF MCCONNELL PARK, SAVIN HILL.

Coun. HUTCHINSON offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to arrange for the flooding of McConnell Park, Savin Hill, for skating purposes and to also arrange to keep the field house open so that skaters may change their shoes and use the lockers.

Passed under suspension of the rule.

#### USE OF W. P. A. ARCHITECTS IN HOUSING PROJECTS.

Coun. WILSON and CHASE offered the following:

Ordered, That the Boston Housing Authority be requested, through his Honor the Mayor, to avail itself of W. P. A. facilities in the matter of architect services on further housing projects.

Coun. CHASE—Mr. President, I think it is only proper at this time to call the attention of the Council to the fact that on previous housing projects there has been a cost of in the vicinity of hundreds of thousands of dollars for architectural services. These housing projects, as proposed by the Federal authorities, are supposed, as I understand it, to benefit the unemployed in Boston, the unfortunate, and still we have here hundreds of architects in Boston out of work, walking our streets, who might be placed at work and benefited by such work. As I understand it, the architectural jobs on these projects are given to architects who in many cases do not even live in Boston, and their fees run into hundreds of thousands of dollars. I think it is about time that we, as representatives of the people of Boston, should make an honest effort to see that these unemployed architects are given an opportunity to go to work in preference to outsiders, who are frequently wealthy men. I believe this Body, in so far as it can do so, should insist that all housing construction be done through relief work and not through private contract, and it seems to me if we are to carry out that idea we should give our unemployed architects a chance to do this work. I feel that one of the reasons why housing projects have been railroaded through this Council has been because of the pressure put on the Body by contractors and others who are simply interested in housing because of what they got out of it. With the housing projects already contemplated and in process, it is easy to see that there is a great deal of benefit to be derived by others than the unemployed and poor, particularly with architects' fees in connection with Federal housing in Boston which will probably run up to \$1,800,000 or more. Certainly, the Housing Authority has power to urge Congress to have architectural work on these projects done under W. P. A. by unemployed architects, and I believe the opportunity thus presented to the Government should be availed of. I hope, therefore, that Congress will be urged and that the Federal Housing Authority will be urged to take steps in this direction, and I trust that this Body will pass this order.

Coun. WILSON—Mr. President, I also urge the passage of the order for a number of reasons. I have in mind first of all that one of the primary reasons back of these housing projects is worry concerning the unemployed. I understand that there is a large number of college graduates, well educated architects and draftsmen, who are on W. P. A. who would be eligible for such work and who might properly expect their services to be employed on work carried out by public authorities. In the second place, if architects' fees on these housing projects are anything like the architects' fees on private construction, the usual 6 per cent when applied to \$31,000,000 of housing would result in an expenditure of \$1,860,000 for that one item alone. And remem-

ber, that this does not apply merely to housing projects that may be carried on in Boston, but that, if the principle suggested is adopted, it would cover architectural services throughout the country, resulting in greatly improved employment conditions for architects and draftsmen and in properly carrying out the theory upon which this whole housing movement has been based. For these three reasons, therefore,—first, to help in the unemployment situation, second, to reduce the cost of housing projects from the architectural angle, and third, to remove a persistent and growing suspicion that the naming of architects has a great deal to do with the movement to further these housing projects, I would urge the passage of this order.

Coun. TAYLOR—Mr. President, while I appreciate the sympathy that these two gentlemen have for the unemployed and for the poor, as shown in several directions in the past, nevertheless, I feel that we must look at the matter from another angle, as is the case in all these W. P. A. projects, dealing with the unemployed, and that is that some of these unemployed architects, men unable to secure a job for themselves, might well be unable to perform such a job as would be contemplated in these projects. It might well be that many of these men would lack the experience that would make them capable of handling projects of this kind. We can hardly expect young men who have not had experience, who perhaps have been but a short time out of school and who have not had the requisite training that would come from long experience in their profession, to properly handle the difficult problems that might present themselves in such work. Then, there is another important proposition. How about those men on W. P. A. who have been able to get only from \$50 to \$80 a month and who want to get back to a point where they can make a decent living for their families, in regular style? There are thousands and thousands of men on W. P. A. who have been earning practically nothing, men who have been connected with the building trades, draftsmen and others, who are looking for a chance to get back to real work, to have a real job. If these men who are doing expert work on these projects are thrown into W. P. A. they will not have that opportunity to get to work on a real job. I cannot see how we can ask Congress to do something that they have already decided not to do elsewhere. There is work on these housing projects that does not belong to W. P. A. but is supposed to give people an opportunity to get back to real jobs and make a decent living for their families. I believe, therefore, that this order ought not to pass.

Coun. WILSON—Mr. President, no doubt the gentlemen in his remarks has endeavored to set forth a consistent and convincing line of argument, but, if so, I certainly have failed to follow him. The order before us, as I heard it read, did not call for the construction of housing projects by W. P. A. labor, but simply aimed at having architects who might be on W. P. A., people who are now unemployed, draw the plans, following the same line that is now pursued in many lines of work in the City of Boston. The gentleman's reference to my interest in and sympathy for the poor of the city, I simply take for what it is worth. But I would here repeat what I have said before in this Body, that if we are really desirous of helping the poor, in the matter of housing, we should favor anything looking to economy in construction, which certainly has a bearing on low-rent projects. Let us keep the cost down, and the best way I can think of to keep the cost down is to strike out items aggregating one or two million dollars that will go to expensive architectural concerns if the work can be done by some other method. In other words, the way to make rents low for the poor is to reduce the cost of building, and one important way to reduce that cost is to cut out the architectural racket in Boston and everywhere else. Reference has been made to eminent firms of architects as possibly being behind some of these housing efforts. As far as I am concerned, I can assure the members of the Council that there is no firm of architects in whom I am interested in the slightest degree, in connection with these housing projects or anything else. I have not the slightest doubt that there are many able architects today who are out of work, who do not have the good fortune to occupy such offices, with Oriental rugs and fine furniture, as we may see over here in the Waterman building or in other buildings of this city.

That does not mean, however, that they are not competent and able to complete these projects that are now in process of going up and that are costing the City of Boston from 2 to 6 per cent in the process. But if you really want to get away from that sort of thing, I would make this suggestion. I understand that the type of building that is now being erected for housing purposes is one that can be used in case of emergency for War Department purposes, and I would make the point that those in charge of such work might well cut out the present expensive architectural services and let the War Department engineers draw the plans for these projects. To my mind, that is something that should have been done from the beginning.

Coun. NORTON—Mr. President, to my mind the order that has been offered is a good one. These expensive architectural fees have been referred to. There is no question in my mind that there are many competent, well-trained architects walking the streets of Boston today, unemployed. I could easily round up a room full of them. In any event, this is merely a request, and I think a pretty good one. I would like to find out how Mayor LaGuardia would handle this problem. This is merely a request for consideration of the employment of competent architects who may be on W. P. A., and if we can save money by this means it is something worth looking into.

Coun. SHATTUCK—Mr. President, I would approach the matter in a somewhat different way. I agree with a good deal that Councilor Taylor of Ward 12 has said. We should have competent, experienced architects. But I am wondering if they could not give us a special price on these large housing projects, not charging the 6 per cent fee that would be expected on the ordinary building, when they are carrying through work of this sort, largely standardized, on projects involving millions of dollars. Where there is a great deal of standardization in design and in the work that is carried out, it would seem to me that the architectural work should be regarded very differently from what it would be on the ordinary small development. I don't know whether they are charging 6 per cent or not on work of this kind, but if they are, I wonder if they would not reduce their percentage and give a special price on these housing developments.

Coun. CAREY—Mr. President, I think the order has a great deal of merit, and I would move its reference to the Executive Committee for more careful and thorough consideration. I think it would be well, judging from the experience we have had in the past in this and similar matters, to have those who are concerned with such projects in an executive capacity through W. P. A. state administration or otherwise, come before us and give us information as to whether or not such an order is possible of accomplishment. I don't want to spend \$1,860,000 on architectural fees on a \$31,000,000 project, unless it is necessary. Of course, we all want to have the work done well, and I think we would all like to hear from people who are dealing with such work in an executive capacity and who can give us worthwhile information about it. I think this is a good time for us to go into such details, and I would therefore move to refer the matter to the Executive Committee, where we can get the benefit of such advice and experience.

The order was referred to the Executive Committee.

Adjourned, on motion of Coun. NORTON, at 3.25 p. m., to meet on Monday, December 18, 1939, at 2 p. m.

#### CORRECTION.

At the Council meeting of December 4, 1939, in the debate on the new draft of housing agreement between the City and the Boston Housing Authority, on page 483 of the City Council Minutes, first column, beginning with line 4, Coun. CHASE said:

"Mr. President, in answer to the councilor from Hyde Park (Coun. Norton), let me say that I recall not so long ago that he was in my district with other potential office seekers, and he raised the issue of housing at that time against me."

Coun. CHASE should have been recorded as saying, in addition, that the councilor from Hyde Park was in my district "speaking in behalf of James Michael Curley."

## CITY OF BOSTON.

## Proceedings of City Council.

Monday, December 18, 1939.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President MURRAY presiding. Absent, Coun. Fish.

## APPOINTMENT BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointment, viz.:  
Weigher of Goods: Paul Edwards, 94 Toppliff street, Dorchester, Mass.

Laid over a week under the law.

## FLOODING OF McCONNELL PARK.

The following was received:

City of Boston,  
Office of the Mayor, December 18, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the chairman of the Park Department relative to your order of December 11, 1939, concerning the flooding of McConnell Park, Savin Hill, for skating purposes and also arrange to keep the field open so that skaters may change their shoes and use the lockers.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Park Department, December 14, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of December 13, with inclosure, order from the City Council, to arrange for the flooding of McConnell Park, and to keep the field house open.

Please be assured that every attention will be given this request. At the present time it is too early to flood as there is no frost in the ground. I might add that McConnell Park has been flooded for many, many years.

Very truly yours,  
WILLIAM P. LONG, Chairman.

Placed on file.

## GUARD RAILS ON BRIDGES.

The following was received:

City of Boston,  
Office of the Mayor, December 18, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of December 4, 1939, concerning the arranging for the installation of guard rails on the Alford Street Bridge and the Prison Point Bridge for the safety of motorists using these bridges.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
December 11, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—This is in reference to the following order that was passed in the City Council on December 4 of the current year:

"Ordered. That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange for the installation of guard rails on the Alford Street Bridge and the Prison Point Bridge for the safety of motorists using these bridges."

A W. P. A. project for the installation of additional curb guards at the Alford Street and Prison Point Bridges was submitted some time ago. Up to the present time, however, this project has not been approved by the W. P. A. authorities, although it is my understanding that it will be approved within the next week.

Due, however, to two recent skidding accidents that have happened at the Alford Street Bridge, which very nearly resulted in fatalities, the department decided not to wait for the approval of the W. P. A. project to start this work. The work of placing additional curb guards on the Alford Street Bridge was started last week by department forces, and at the present time approximately 400 linear feet of 12-inch by 14-inch timbers have been installed on top of the existing 6-inch curb, thereby providing for an 18-inch curb, which should give motorists adequate protection and prevent any vehicles from plunging over the sidewalk into the Mystic river.

The work on both the Alford Street and Prison Point Bridges will be prosecuted diligently, in order to complete it as soon as possible.

Respectfully yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

## VETO OF ORDINANCE RE WATER RATE LIENS.

The following was received:

City of Boston,  
Office of the Mayor, December 18, 1939.  
To the City Council.

Gentlemen,—I return herewith disapproved and without my signature a proposed amendment to the ordinance concerning liens for water rates passed by your Honorable Body on December 4, 1939.

At the present moment the entire method and system of water rate collections is being studied by both the officials of the Public Works and the Municipal Survey Committee. As a result of this study an ordinance will shortly be presented to your Honorable Body which will make certain amendments to the ordinances concerning the Water Division of the Public Works Department.

In view of the proposed changes in the forthcoming ordinance to be presented, I deem it necessary to veto the proposed amendment concerning liens for water rates as recently passed by your Honorable Body.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
December 15, 1939.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—This is in reference to your communication of December 11, inclosing a copy of the following proposed amendment to the Revised Ordinances of 1925, as passed in the City Council on December 4:

"Be it ordained by the City Council of Boston as follows:

"Chapter twenty-seven of the Revised Ordinances of 1925 is hereby amended by inserting after section twenty-six the following new section:

"26-A. At least sixty days before filing for record in the registry of deeds, under section 42-B of chapter forty of the General Laws, of a lien against any particular parcel of real estate for unpaid water rates the commissioner shall send a notice of his intention to file such lien with a statement of the amount due, to the owner of record as of January 1 in the year of the proposed filing."

It is not desirable nor necessary, from any point of view, to include the above paragraph in the city ordinances.

The proposed amendment would add materially, and, in my opinion, without sufficient justification, to the work necessitated by the accounting procedures now in effect in the business office of the Water Division.

The placing of liens on real estate, because of unpaid water bills, is to be done but once yearly. The ordinary practice will be to file such liens immediately subsequent to March 1 for unpaid water bills of the previous year. By adopting such a policy, some bills will have remained unpaid for as long as eleven months and in no case will they remain unpaid for a shorter period than sixty days. I feel that this is as much consideration as should be shown to persons who do not pay water bills, particularly when all bills now sent out by the Water Division show the amount of the arrearages owed. There is no reason why

a person owing a water bill does not know exactly what he owes and for what quarter he owes it.

Section 42-A of chapter 40 of the General Laws as amended by chapter 415 of the Acts of 1938 states, in substance, that water bills remaining unpaid sixty days after the due date, shall, after the filing by a municipality, such as Boston, of a statement, in accordance with section 42-B of chapter 40 of the General Laws as amended by chapter 415 of the Acts of 1938, be a lien upon the particular piece of real estate. This statute law affects all cities and towns in the state that accepted aforementioned sections 42-A and B, and also sections C, D, E, and F of chapter 40 of the General Laws. These sections were accepted by the City Council in September, 1923, and I see no reason, at this time, for supplementing their provisions by requiring the Commissioner of Public Works to notify delinquents sixty days before filing a lien.

I have no documentary evidence to substantiate my statement, but Boston is probably more lenient and more considerate to persons who owe water bills than other large cities throughout the country.

The Water Division of this department should be considered as much of a business establishment as any public utility company. Business procedures have been adopted, under the present city administration, and the present efficiency should not be impaired by adding amendments to the ordinances that are nothing but a lot of red tape. The adoption of the proposed amendment might act as the opening wedge to other amendments of a similar nature.

I respectfully recommend that his Honor the Mayor veto it.

Respectfully yours,  
 GEORGE G. HYLAND,  
 Commissioner of Public Works.

Placed on file.

**APPROPRIATION FOR ARMORY.**

The following was received:

City of Boston,  
 Office of the Mayor, December 18, 1939.  
 To the City Council.

Gentlemen,—Under the provisions of section 31 of chapter 33 of the General Laws, the Commonwealth reimburses cities and towns for payments made from municipal funds for the rent and maintenance of armories other than those provided by the state. This year the amount paid to Boston for this purpose has been increased seven thousand dollars. It now develops that this increase was made for the purpose of meeting additional rental and maintenance expenses at the armory located at the corner of Arlington street and Columbus avenue, occasioned by the expansion under War Department orders of the militia detachment stationed therein. The Superintendent of Public Buildings has received a bill for these additional charges, but before payment may be made it is necessary that an appropriation be provided. I submit herewith an order providing for an appropriation to meet this expense, said appropriation to be met from the additional payment already received from the Commonwealth.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

Ordered, That the sum of seven thousand dollars be, and the same hereby is, appropriated, from the income received from the Commonwealth under the provisions of section 31 of chapter 33 of the General Laws, said sum to be expended for the following purpose:

Public Buildings Department.  
 F. Special Items..... \$7,000 00  
 Referred to Executive Committee.

**APPROPRIATION FOR HOUSING AUTHORITY.**

The following was received:

City of Boston,  
 Office of the Mayor, December 18, 1939.  
 To the Honorable the City Council.

Gentlemen,—I have received a letter from the Boston Housing Authority requesting an appropriation in the sum of \$15,000 for the purpose of a sponsor's contribution to a W. P. A. Real Property Inventory Project, now employing about 270 persons with a total pay roll estimated at \$150,000

and other purposes of the Authority as set forth in the accompanying order appropriating said sum of \$15,000.

I recommend prompt consideration and passage of said order by your Honorable Body, and I withdraw the appropriation order in the sum of \$25,000 to be expended by the Boston Housing Authority, submitted to your Honorable Body on May 22, 1939.

Respectfully,  
 MAURICE J. TOBIN, Mayor.

Ordered, That the sum of fifteen thousand dollars (\$15,000) be, and hereby is, appropriated, to be expended by the Boston Housing Authority, for the purpose of defraying initial costs and administrative expenses of the said Authority in connection with its proposed projects, including participation in W. P. A. projects for Real Property Inventories and Surveys, said sum to be transferred from the Reserve Fund.

Referred to Executive Committee.

**PETITIONS REFERRED.**

The following petitions were received and referred to the committees named, viz.:

**Claims.**

Gloria M. Allen, for compensation for injuries caused by an alleged defect in Water street.

Paul S. Creaser, for compensation for damage to car by city car.

Alfred T. Flannery, to be reimbursed for judgment issued against him.

Bibiana McLellan, for compensation for injuries caused by an alleged defect at 101 Ardale street.

Josephine E. Ranney, to be reimbursed for judgment issued against him.

Patrick J. Wade, for compensation for injuries caused by an alleged defect in Bowdoin street.

**Committee on Ordinances.**

Petitions for driveway openings:  
 Edmund D. Codman, trustee, 1891 Columbus avenue, Ward 11, for driveway widenings.

Filling Stations Realty Company, at 250 Dorchester avenue.

Herman G. Curtis and Old Colony Trust Company, at 475 Centre street, corner Pershing road, Ward 19.

**APPOINTMENT OF HEALTH INSPECTOR.**

Notice was received from the Health Department of appointment of Gerald A. Barry of 25 Hartford street, Dorchester, as Inspector of Housing and Sanitation, Health Department.

Placed on file.

**APPOINTMENT OF SEALER OF WEIGHTS AND MEASURES.**

Notice was received from the Mayor of appointment of John F. McCarthy of 188 Hillside street, Roxbury, as Sealer of Weights and Measures, effective December 13, 1939.

Placed on file.

**RECESS.**

On motion of Couo. CAREY, the Council voted at 2.31 p. m. to take a recess subject to the call of the Chair. The members reassembled and were called to order at 3.23 p. m., Cou. SHATTUCK in the chair.

**EXECUTIVE COMMITTEE REPORTS.**

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) that \$7,000 be appropriated for Special Items, Public Buildings Department—recommending that same ought to pass.

The report was accepted, and the order was passed, yeas 16, nays 0.



2. Report on order (referred December 4) that \$600 be paid to Daniel A. Whelton in reimbursement for amount of premiums paid by him on his bond as Special Sheriff of Suffolk County—recommending that same ought to pass.

Report accepted; said order passed.

#### FINAL PASSAGE OF LOAN ORDERS.

Chairman SHATTUCK called up, under unfinished business, Nos. 3, 4, 5 and 6 on the calendar, viz.:

3. Ordered, That the right to borrow money for High School of Practical Arts, Alterations and Additions, under authority of chapter 366, as amended, approved by the Mayor on June 1, 1937, be limited to \$50,000, and that the authorization to borrow in excess of said amount for said purposes be, and the same hereby is, rescinded.

4. Ordered, That the right to borrow money for William Howard Taft School, Additions, under authority of chapter 366, Acts of 1933, as amended, approved by the Mayor on June 1, 1937, be limited to \$110,000, and that the authorization to borrow in excess of said amount for said purpose be, and the same hereby is, rescinded.

5. Ordered, That the right to borrow money for Robert Gould Shaw School, Gymnasium, Assembly Hall and Incidental Additions, under authority of chapter 366, Acts of 1933, as amended, approved by the Mayor on July 19, 1938, be, and hereby is, rescinded.

6. Ordered, That the right to borrow money for Trade School, Additions and Alterations, under authority of chapter 366, Acts of 1933, as amended, approved by the Mayor on October 29, 1935, be limited to \$40,000, and that the authorization to borrow in excess of said amount for said purpose be, and the same hereby is, rescinded.

On December 4, 1939, the foregoing orders were read once and passed, yeas 19, nays 0.

The orders were given their second and final reading and passage, yeas 18, nays 0.

#### CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Coun. ROSENBERG called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor December 11, 1939, of Carl L. Petterson, to be a Constable authorized to serve civil process upon filing bonds.

2. Action on appointments submitted by the Mayor December 11, 1939, of Frederick Stevens and George H. Buck, to be Weighers of Coal.

The question came on confirmation, Committee, Coun. Sullivan and Irwin. Whole number of ballots 17, yes 9, no 8, and the appointments were confirmed.

#### REPORT OF COMMITTEE ON ORDINANCES.

Coun. TAYLOR, for the Committee on Ordinances, submitted the following:

1. Report on petitions for driveway openings: Edith G. Field, 91 Brooks street, Brighton (referred December 11); Edmund D. Codman, trustee, 1891 Columbus avenue, Ward 11; Filling Stations Realty Company, at 250 Dorchester avenue; Herman G. Curtis and Old Colony Trust Company, at 475 Centre street, corner Pershing road, Ward 19, recommending that licenses be granted.

Report accepted; licenses granted under usual conditions.

2. Report on petition (referred November 13) of lessees of Faneuil Hall Market for permission to close at 4 p. m.—recommending that petitioner have leave to withdraw.

Coun. TAYLOR—Mr. President, in relation to the petition of some of the Faneuil Hall Market lessees, the committee has met and considered the matter and can see no reason at the present time for any change. I am informed, however, that next year there may be a recodification of our ordinances, and I think perhaps that is the most fitting time to make whatever change may be necessary in any ordinances coming before the City Council.

The report was accepted and the petitioner was given leave to withdraw.

#### REPORT OF COMMITTEE ON SOLDIERS' RELIEF.

Coun. ENGLERT, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families in the City of Boston for the month of December.

Report accepted; said order passed.

#### REPORT OF COMMITTEE ON JITNEY LICENSES.

Coun. ENGLERT, for the Committee on Nitney Licenses, submitted the following:

1. Report on petition of Boston Elevated Railway (referred June 26) for license to operate motor vehicles between junction of Morton street and Blue Hill avenue—that leave be granted.

Report accepted; license granted under usual conditions.

2. Report on petition of Boston Elevated Railway (referred November 20) for license to operate motor vehicles between Massachusetts Station and Cambridge line—that leave be granted.

Report accepted; license granted under usual conditions.

#### THE NEXT MEETING.

Coun. KERRIGAN moved that when the Council adjourns it be to meet on Saturday, December 30, 1939, at eleven o'clock a. m.

The motion was carried.

#### REPORT OF COMMITTEE ON PRISONS.

Coun. FITZGERALD, for the Committee on Prisons, submitted the following:

In accordance with the provisions of chapter 126 of the General Laws, the Committee on Inspection of Prisons of the City Council submits herewith its annual report.

##### SUFFOLK COUNTY JAIL.

The customary semi-annual inspections of the Suffolk County Jail were made. No complaints were received by the committee concerning the food served at the institution and the cells were found in a clean and sanitary condition.

##### HOUSE OF CORRECTION.

Your committee made the usual number of visits to the House of Correction and conditions at this institution were found to be very satisfactory, particularly along the lines of sanitation and cleanliness.

For the Committee,

JOHN I. FITZGERALD,  
Chairman.

Coun. FITZGERALD—Mr. President and members of the Council, in presenting the report of the Committee on Inspection of Prisons on the Suffolk County Jail, I wish simply to say, as is stated in the report, that the committee made its customary semi-annual inspections of the jail, and that no complaints were received by the committee concerning the food served at the institution and that the cells were found in a clean and sanitary condition. Our main concern is the treatment of the prisoners, and that is in line with what the committee has done in past years when it made a visit, looking into the matter when complaints were received from the prisoners or making an investigation when there was some outbreak at the jail, or at the House of Correction at Deer Island. It now seems, however, that the committee is being subjected to severe criticism by the newspapers and by the State Department of Correction as being lax in the performance of its duties, in view of occurrences that have now come out. Of course, we made our first visit to the jail after the Sheriff, a former member of the City Council, was installed as custodian. As would be natural, having served with the man in this body for many years, and his having been elected by a large majority of the voters of the county, when we went down there we were in a friendly mood toward him and were given a very hospitable reception. We were treated

very well, and naturally were inclined to extend to him every consideration and privilege, as a man who had been a fellow member of the Council with us for years, who had enjoyed a good reputation here, and who had been elected sheriff by a large majority of the voters of Suffolk County. Naturally we had such feelings toward him as we visited the institution. We spent a short time going over it and found everything in perfect order and in apple-pie condition. Since that time, however, as we all know, certain things have taken place, and the committee has been criticized and treated unfairly by the press and by a committee of the state department conducting an investigation. On November 16 the committee went to the jail, and we had with us the official stenographer of the City Council. We held a hearing there at the jail and interviewed a great many of the officers and employees. Everything said on that occasion was taken down *verbatim*, and we intend to file a *verbatim* report of what was said there at that time and have it made a part of the record. It is a complete record of what was said at that time before the committee. In interviewing the officers, something was said about the visits to Mr. Dolan. Well, Mr. Dolan was admitted to the jail, charged with contempt of court. He was not charged, as I understand it, with a great crime, but was simply held for contempt of court, and when that is the case,—when a man is simply being held, until the court releases him of the contempt and he apologizes to the court,—it is a question how far the ordinary privileges he might have in the way of visits, and so forth, should be curtailed. We feel that our committee did everything that should be done, that we went farther than committees have in other years. In previous years there have been investigations for which large sums of money were allowed, in which there was counsel, and where the matter was gone into in great detail. That has happened in the past. But there is no getting away from the fact that when the Sheriff went in there as a new official, we felt as a committee that he should be accorded privileges that would perhaps not be accorded if he had not been a member of our Body and if he had not gone into that office surrounded by a great halo, an office he had attained after a campaign six years long, and following apparently sincere promises that he would give a good administration. Personally, I wonder why the Bar Association has not shown more interest in the management of the jail in the past. When we look back through the minutes of 1937, we remember the escape of Simpson at that time, when it was claimed that the then sheriff had not done his duty. But apparently no interest on the part of the Bar Association was aroused, and nothing was done. There was even a statement that I made here in this Council at that time which appears in the minutes as a matter of public record, and of which no notice was taken. At that time it seemed that the management had been delinquent in its duty, but it was never properly investigated, and nothing was done. The attention of the Bar Association was called to the matter at that time, but three years elapsed before they did their duty. And I don't even think that action was taken in this matter by the Bar Association as a whole, but that there was simply one man there who started to do something. When he did so they tried to pull him off, but he persisted. I question even now whether they desire to back him up. He still wants to do something, but the Bar Association does not want him to go through, but if he does act, they want him to act as a private citizen. Mr. President, the Committee on Inspection of Prisons has done everything possible in this matter. They have performed their duties in a proper manner, and should be given credit for what is contained in this *verbatim* report, word for word.

Coun. WILSON—Mr. President, there is one statement the gentleman made that I did not quite understand. Perhaps I misunderstood what he said. I understood him to say that, because of the reason that the Sheriff was a former colleague of ours in this Body he was given privileges that would not ordinarily be given to a person in charge of the jail. I suppose the gentleman did not mean that as it sounded. Although I am not a member of the Committee on Prisons, I cannot quite understand why privileges should be extended recently to the Sheriff because he was a former member of this Body.

Coun. FITZGERALD—Mr. President, I think the councilor misunderstood what I intended to say. I think on our first visit, not long after the Sheriff took office, when we accepted his hospitality and shortly after he had been a fellow member of ours in this Body, our feeling towards him may perhaps have been somewhat different than if that had not been the fact. We stayed there only a short space of time, and we found everything in apple-pie order, as we have reported.

Coun. AGNEW—Mr. President, I would like to ask the chairman of the committee whether or not the committee talked with an officer named Greer, who has recently given statements to the press that were not only damaging, but which should have been brought out long, long ago. I would like to know if that officer was talked to by the committee on their visit to the jail and whether he then gave such information as he has recently given to the press.

Coun. FITZGERALD—We had a statement of a man named Greer before the committee,—the members present being Councilors Taylor and Rosenberg, with myself,—and he did state certain things that appeared in the papers in his statement as reported before the Grand Jury the other day. He was the one who informed us that Mr. O'Hare visited the jail, the race man who was killed. I saw the picture in the paper the other day, and he did appear before the committee. He said a lot of things, to the effect that the jail was not what it should be.

Coun. TAYLOR—In reference to Greer, I cross-examined him at length, and he appeared to me to be a man with an axe to grind. He never answered questions directly, never knew directly what was going on, but only from hearsay or what he imagined. So I think that if the statement he gave to the Grand Jury was similar to what he gave to the Committee on Prisons, it didn't amount to much.

Coun. AGNEW—May I have again the date of the visit of the committee to the jail?

Coun. FITZGERALD—November 16.

Coun. CHASE—Mr. President, the gentleman from Ward 3 (Coun. Fitzgerald) has made some derogatory remarks about the Bar Association. I don't care to subscribe to those remarks, because I think the Bar Association merits a compliment from the City Council for the fine work which it did in this matter.

Coun. SULLIVAN—And I, Mr. President, want to concur heartily in Councilor Chase's expression of opinion in regard to the Bar Association.

Coun. FITZGERALD—Mr. President, I would simply say that the condition of affairs under the former régime was brought to the attention of the Bar Association. I will say further, that last year I introduced a bill into the Legislature making certain charges, and the Bar Association did not take the trouble to appear before the committee in regard to it. Also, the Senator from the Second Suffolk District made charges on the floor of the Senate, which were not looked into at that time. As a matter of fact, the Bar Association woke up pretty late.

Coun. CHASE—Mr. President, we have law-enforcing agencies in Boston, and the Bar Association is not a law-enforcing association, but simply an association of lawyers. I feel that if there is any investigation to be made in a matter of this kind, it should be made by a law-enforcing agency, and that such agencies should be condemned for not taking appropriate action, and not the Bar Association.

Coun. SULLIVAN—Mr. President, the councilor from Ward 3 takes issue on the attitude of the Bar Association in this matter, although only a few moments ago he admitted that the Committee on Prisons did not, on their first visit, make such a careful inspection as they should have made.

Coun. FITZGERALD—Mr. President, I don't think the gentleman understood what I said. I said that the Bar Association woke up rather late, and I said also that I had put a bill into the Legislature in regard to this matter which they did not back up; also that the Senator from the Second Suffolk District last year had made charges to which no attention was paid. I simply say that the Bar Association woke up pretty late, that they had plenty of opportunity to act long before they did.

The report was accepted.

POSTPONEMENT OF W. P. A. FURLOUGHS,  
ETC.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor immediately request President Roosevelt to issue an executive order that further furloughs from W. P. A. be postponed until after the New Year; and be it further

Ordered, That his Honor the Mayor immediately request President Roosevelt to issue an executive order to the effect that the apparent discrimination against single men and women on W. P. A. be stopped at once.

Coun. CAREY—Mr. President, the first order speaks for itself. This is no time of the year to fire any one from his job. The Christmas holidays are here, a time when each and everyone of us needs whatever employment he can get. I sincerely hope, therefore, that immediate action will be taken by the Mayor on that request. Relative to the second order, the constant demands to which we are subjected to help so-called single people to get W. P. A. employment are terrific and altogether too often we have been refused merely because they are described as single. It has furthermore been a constant nightmare to those who are now on W. P. A. in the so-called single class worrying about just when they might be released. Many of the single people are those who have been married and who have since been left alone in the world because of the death of either the husband or wife. All of them are in great need and must have employment, and it is not fair for Washington to discriminate against anyone simply because they are single. All W. P. A. funds, as I see them, are in the same basket. W. P. A. as I understand it, was originally set up to provide employment for those who needed it, and I do not believe personally that at the present time the original intent of the act is being carried out by Washington. There is absolutely too much politics in the W. P. A. and I think the President would be doing very well by having an investigation made of the matter from top to bottom. I believe, for one, that many in the higher brackets on W. P. A. in Washington, receiving \$50 a week and \$7,500 a year, and who themselves are single, might well take a furlough, but they are not forced to do so due to the fact that they are acting in an administrative capacity. We have a great many single people, some alone in the world, with nobody upon whom they can depend, and others who have family burdens who are utterly in need of W. P. A. employment. They should not be discriminated against, and I sincerely trust that the action suggested in this order be taken immediately.

The order was passed under suspension of the rule.

## INSPECTION OF TAXICABS.

Coun. TAYLOR offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to inspect every taxicab for mechanical fitness, and to suspend the licenses of all taxicabs which are mechanically imperfect.

Coun. TAYLOR—Mr. President, I think this is a very important order so far as the safety of citizens of this city is concerned. There are too many taxicabs on the streets now. Many of them are old boxes such as you will find in ordinary junk yards, in awful condition, cars that should not be operating on our streets, and yet they are continually employed carrying people for hire from place to place. Citizens riding in such contraptions are placed in a very difficult and dangerous situation, and I know what I am talking about when I say that many of these taxicabs are utterly unfit to be on the streets of Boston. Recently there was an accident in the East Boston tunnel in which two people were seriously injured, rendered unconscious, one still in the hospital and one at home recovering from the injuries, because a certain taxicab, a 1931 Nash, nine years old, being operated through that tunnel at 45 miles an hour, in attempting to stop was unable to do so because the brakes on the wheels became locked, and the car collided with another one coming from the opposite direction. A police officer questioning the operator after the accident received the following information,—“I told my boss that the brakes were not good, and that the steering apparatus was out of line, but the boss said, ‘Go ahead anyway.’” There are no doubt

many such instances on the streets of Boston today because the managements of some of these taxicab companies are totally unfit to conduct the business of transporting passengers about our streets. I believe, therefore, that it becomes our duty as city councilors to do what we can to safeguard those who hire these vehicles to ride about our streets. I believe it is imperative that we should have inspection of every taxicab on our streets with a view to its mechanical fitness, and if an inspector finds that any one of them does not meet proper safety requirements, the license should be suspended.

Coun. CAREY—Mr. President, I think it might be well to amend the order so as to refer to all automobiles on our streets. I don't know why the order should be limited to taxicabs.

Coun. TAYLOR—Mr. President, I might say that taxicabs come under the Police Commissioner, while other automobiles do not.

Chairman SHATTUCK—The Chair would rule that such an amendment would be out of order, as being outside the jurisdiction of the Police Department.

The order was passed under suspension of the rule.

## REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims, submitted the following:

1. Report on petition of Bernard F. Glynn (referred November 13) for reimbursement for judgment issued against him on account of his acts as operator of motor vehicle belonging to Water Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of twenty-seven dollars and sixty cents (\$27.60) be allowed and paid to Bernard F. Glynn in reimbursement for judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Water Division, Public Works Department.

Report accepted; order passed.

2. Report on petition of Edmond A. Marks (referred November 20) to be reimbursed for judgment issued against him on account of his acts as operator of motor vehicle belonging to Water Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of twenty-five dollars and eighty-three cents (\$26.83) be allowed and paid to Edmond A. Marks in reimbursement for judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Water Division, Public Works Department.

Report accepted; order passed.

3. Report on petition of Neil M. Murphy (referred November 13) to be reimbursed for judgment issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of two hundred dollars (\$200) be allowed and paid to Neil M. Murphy in reimbursement for judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

4. Report on petition of Max Levine (referred November 20) for reimbursement for judgment issued against him on account of his acts as operator of motor vehicle belonging to Sanitary Division, Public Works Department—recommending passage of the accompanying order, viz.:

Ordered, That the sum of sixty-two dollars and fifty cents (\$62.50) be allowed and paid to Max Levine in reimbursement for judgment issued against him on account of his acts as operator of a motor vehicle belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; order passed.

APPROPRIATION FOR SOCIAL LAW  
LIBRARY.

Coun. WILSON offered the following:

Ordered, That there be allowed and paid to the proprietors of the Social Law Library the sum of one thousand dollars (\$1,000) for the

maintenance and enlargement of said library, said sum to be charged to the appropriation for County of Suffolk, Social Law Library.

The question came on the passage of the order.

Coun. TAYLOR—Mr. President, I do not quite understand the order, and I would like to have the councilor explain it.

Coun. WILSON—Mr. President, I understand that by law each county is supposed to subscribe annually \$2,000 to the County Law Library, although I believe the amount appropriated in Suffolk has only been \$1,000. While I personally believe that the Social Law Library should not be the recipient of an appropriation by the city, that is the law. I believe also that the Social Law Library is a valuable adjunct to the work of the courts and the Council and that the city should pay at least \$1,000 of the \$2,000 which it is supposed to pay annually.

The order was passed under suspension of the rule.

#### RESURFACING OF ST. GREGORY'S COURT.

Coun. WILSON offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface St. Gregory's court, from Dorchester avenue to Avondale place, Ward 17.

Passed under suspension of the rule.

#### NAMING OF MONSIGNOR DOLAN COURT.

Coun. WILSON offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to change the name of St. Gregory's court, Ward 17, to Monsignor Dolan court.

Coun. WILSON—Mr. President, I offer that order because I think it represents a well deserved recognition of the services to the community rendered by the clergyman in question.

The order was passed under suspension of the rule.

#### INVITATION TO REPUBLICAN NATIONAL CONVENTION.

Coun. WILSON offered the following:

Ordered, That his Honor the Mayor be requested to invite the Republican National Convention to meet in the City of Boston in 1940.

Coun. WILSON—Mr. President, I take great pleasure in presenting this order, particularly in view of the urgent invitation extended by the Mayor of Boston to the Democratic National Committee to hold the Democratic Convention in this city. I feel very strongly that the Mayor should and will gladly invite any great convention to our city, with the substantial business value that it carries with it, even although members of the particular party concerned are not supposed to be eligible for employment by the Federal Government. I feel also—and I believe this is something that will appeal to our present presiding officer—that the holding of this convention in Boston may result in the recognition by the Republican National Convention of one of our local favorite sons upon the national ticket.

The order was passed under suspension of the rule.

#### ARCHITECTS ON FEDERAL HOUSING PROJECTS.

Coun. CHASE and WILSON offered the following:

Ordered, That the Boston Housing Authority submit a list of the names and addresses to the City Council of all architects awarded contracts on Federal housing projects in Boston and the total amounts of fees paid or already agreed to be paid.

Coun. CHASE—Mr. President, inasmuch as this Honorable Body saw fit to vote in favor of Federal housing in Boston, I think we are entitled to any piece of information we may desire on

bousing. A while ago, during the summertime, hundreds of Boston residents were complaining that they could not secure employment on the Federal buildings going up in sub-standard areas where Federal housing was going into effect, while members of this Body got information that men from Nebraska, New York, Alabama and other sections of the country were coming to this city and were employed on manual labor in tearing down houses, and so forth. Now, Mr. President, you know as well as any other member of this Body the things that Federal housing was sponsored for in the arguments presented to the Body. You know the picture that was painted of unemployment conditions in Boston and the benefit that our citizens were to receive in the way of employment through these projects. I think it is high time that we should find out who these architects are who have benefited through these contracts. I understand that outside architects have received a million dollars on the present and prior housing projects while we have had hundreds of unemployed architects and draftsmen in the City of Boston. Such being the case, I think this Council, if possible, should do something to help these unemployed men in our own city. I understand that certainly a good many of these architects have come here from outside the City of Boston, and I say it is an injustice to the people of Boston and the taxpayers who are paying the welfare bills of this city. I say that it behooves this Body to do all it can to make sure that everybody in the City of Boston is given an opportunity to obtain work, and also that the Boston taxpayers, who are paying the bills, should receive proper consideration.

Coun. WILSON—Mr. President, the Boston City Council was today put in its place, as one might expect, by the Housing Authority, to whom a majority of this Body have voted the right to do a lot of housing here, to the tune of \$50,000,000. The Council in so voting, however, has thereby divested itself of any measure of control over the Housing Authority, whom we might consider a branch of the city government under the circumstances, and yet who absolutely ignore the Council when information is even desired or requested. The Boston Housing Authority, as long ago as last Tuesday, was requested to attend the meeting of the Council today, and still they have paid no attention whatever to that request; that, too, despite telephone calls today, when one of the members was on another line and the Chairman of the Board was still at lunch at ten minutes past three. And they are still to be heard from. I listened in on the radio—not being invited, because I understand that only those in favor of housing were invited—to one of the meetings held at one of Boston's hotels last week. As I say, only those in favor of housing were invited, and I understand that all the residents of Old Harbor Village were urged to be present, and all the employees of the Boston Housing Authority were requested to be there, to make up the cheering section. I listened to some of the remarks on the radio, and heard some of the statements made, to the effect that the only criticism that had been made of the work of the Authority was in connection with doorbells and a slight damage caused by the dropping of rain now and then. The speakers claimed that the critics should drive at more vital things than doorbells and rain, which are only side issues, as the Housing Authority puts it. Well, we all know the real grounds for just criticism of the work of the Housing Authority, as they have been set forth in this Body from time to time, but which naturally were not brought out at that meeting, and that there were such grounds of criticism the Housing Authority, of course appreciates. And on top of that, Mr. President, the fact that no member of the Housing Authority has come here, devoting only a few minutes of his time to this Body, is merely a repetition of the strange reticence we have seen on the part of that organization, controlling \$50,000,000 or more, to disclose any information whatever concerning their dealings. I still feel that this failure of the Housing Authority to disclose to the City Council any facts or figures in regard to its operations, shows an astounding indifference to this Body and to the taxpayers of Boston, especially when they do not even give any explanation of failure to come here or to give information. That has been their attitude up to the present time, in spite of the fact that they have been so well treated

at our hands. and on top of that we have had an order introduced from them here today and referred to the Executive Committee asking an appropriation of \$15,000 for a W. P. A. project sponsored by the Housing Authority. I personally fail to follow the logic of an argument which says that the City of Boston can spend \$15,000 for a spot survey of real estate in this city, but that somehow it is out of order for us to suggest that the employment of Boston draftsmen, engineers and architects should be sponsored as a project by the Boston Housing Authority. I

do hope, therefore, that the chief executive of the city, so far as may lie in his power, will urge the representatives of the Housing Authority to at least appear before the City Council of the City of Boston and furnish the perfectly proper information that we desire.

The order was passed under suspension of the rule.

Adjourned, on motion of Coun. McMAHON, at 4.08 p. m., to meet on Saturday, December 30, 1939, at 11 a. m.



## CITY OF BOSTON.

## Proceedings of City Council.

Saturday, December 30, 1939.

Final meeting of the City Council of 1939 in the Council Chamber, City Hall, at eleven a. m., President MURRAY in the chair. Absent, Coun. Taylor.

## RECREATIONAL BUILDING, CHARLESBANK PARK.

The following was received:

City of Boston,

Office of the Mayor, December 29, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Corporation Counsel relative to your order of October 30, 1939, concerning the appropriation of money being used from the income of the Parkman Fund for the construction of a building for recreational purposes on the Charlesbank Park.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,

Law Department, December 19, 1939.

To the Honorable the City Council.

Gentlemen,—By an order passed by your Honorable Body on October 30, 1939, you have asked my opinion as to "whether or not the appropriation of money from the income of the Parkman Fund for the construction of a building for recreational purposes on the Charlesbank Park comes within the terms of the will of George F. Parkman."

The governing portion of Mr. Parkman's will is contained in a codicil, executed January 12, 1887, which reads as follows:

"I devise said residue (of my estate) to the city of Boston to constitute a fund, the income of which is to be applied to the maintenance and improvement of the Common and the parks now existing and is not to be used for the purchase of additional land for park purposes. Any portion of said income which may not be required for the above purposes in any year is to be added to and invested as a part of said fund."

To comply with the provisions of the will an expenditure must meet two conditions, namely, it must be for the purpose of the maintenance and improvement of parks, and the park to which the expenditure is to be applied must be "now existing."

Whether the construction of a building for recreational purposes comes within the intent of the testator in using the words "maintenance and improvement" may, in my opinion, admit of some doubt. However, similar questions have, from time to time, been presented since 1909 when the bequest was accepted by the city, and the City Council in previous years, acting upon opinions of the then Corporation Counsel, has determined that in its judgment the construction of a music pavilion on Boston Common, the reconstruction of a men's locker house at the Charlesbank, and the building of a field house and bleachers at the Back Bay Fens were proper expenditures of the income of the Parkman Fund. Consequently, for the purposes of this opinion, I adhere to the position that the proposed construction of a building for recreational purposes would be proper within the meaning of the words "maintenance and improvement."

I pass now to a consideration of the meaning of the words "now existing" as affecting the question you ask me. Although the original Charlesbank Park, consisting of a strip of land about 200 feet wide paralleling Charles street and extending to the water's edge, was, in fact, in existence in 1887 as a park, it has been recently largely added to by fill, while at the same time some of the original area has been taken for the widening of Charles street. I am informed by the Park Commissioner that the only feasible location for the proposed bath house (which I understand is the building

referred to in the Council order) would be near the water's edge and on the area recently added by fill. It has been ruled by former Corporation Counsel Samuel Silverman, in an opinion to the Park Commissioner dated March 10, 1930, with reference to Highland Park, part of which existed in 1887 hut part of which was added by a taking in November, 1913, that the "income of the Parkman Fund may be expended on that portion of Highland Park which existed prior to 1887 but cannot be expended on that portion of the park which was acquired by the city in 1913." This opinion, with which I concur, was based, in part, upon the report of a special committee, transmitted to the City Council by former Mayor Andrew J. Peters under date of December 29, 1921, and printed as City Document No. 103 of the year 1921, reaching the conclusion that "parks now existing" meant parks existing on January 12, 1887, the date of the codicil, and not those in existence on September 16, 1908, the date of Mr. Parkman's death. Even if the latter date should apply, the fill upon which the building is proposed to be constructed is of such recent date that this condition of the will is not complied with.

If, therefore, the site of the proposed building is to be on the area of the Charlesbank existing in 1887, the building may properly be constructed from the income of the Parkman Fund. If, however, the site of such a building is to be upon the area recently added by fill, the proposed expenditure would not be within the terms of Mr. Parkman's bequest.

Respectfully submitted,  
HENRY PARKMAN, JR.,  
Corporation Counsel.

Placed on file.

SIDEWALKS, FLORENCE STREET,  
WARD 19.

The following was received:

City of Boston,

Office of the Mayor, December 29, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Public Works Commissioner relative to your order of December 11, 1939, concerning the construction of new sidewalks along both sides of Florence street, Ward 19, under the W. P. A. type of construction.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Public Works Department,  
December 19, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—I return herewith order in City Council that the Commissioner of Public Works construct new sidewalks along both sides of Florence street, Ward 19, under the W. P. A. type of construction.

Please be advised that this will be submitted for approval on a W. P. A. project during the coming year.

Very truly yours,  
GEORGE G. HYLAND,  
Commissioner of Public Works.

Placed on file.

CHANGE OF NAME OF ST. GREGORY'S  
COURT.

The following was received:

City of Boston,

Office of the Mayor, December 29, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Board of Street Commissioners' Chairman relative to your order of December 18, 1939, concerning the changing of the name of St. Gregory's court, Ward 17, to Monsignor Dolan court.

Respectfully,  
MAURICE J. TOBIN, Mayor.

City of Boston,  
Street Laying-Out Department,  
December 26, 1939.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—Replying to your communication of December 22, 1939, inclosing an order of the City

Council that the name of St. Gregory's court, Ward 17, be changed to Monsignor Dolan court, I beg to advise you that Monsignor Dolan called at this office and expressed his opposition to the change as suggested.

I would also advise you that St. Gregory's court is a private way and the city would take no action regarding the name until such time as the street may be accepted as a public way.

Very truly yours,

JOHN A. DONOGHUE, Chairman.

Placed on file.

#### TURN AT ASTICOU ROAD AND WASHINGTON STREET.

The following was received:

City of Boston,

Office of the Mayor, December 29, 1939.

To the City Council.

Gentlemen,—I transmit herewith letter from the Boston Traffic Commissioner relative to your order of October 23, 1939, concerning the advisability of cutting away the excess portion of the sidewalk in the turn in Asticou road into Washington street, to relieve to some extent the traffic congestion at that point.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Boston Traffic Commission,

December 22, 1939.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—I have the honor to acknowledge receipt of Council order dated October 23, 1939, which reads as follows:

"Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to confer with the officials of the Boston Elevated Railway as to the advisability of cutting away the excess portion of the sidewalk in the turn in Asticou road into Washington street, to relieve to some extent the traffic congestion at that point."

A letter, dated December 19, 1939, signed by Edward Dana, President and Manager of the Boston Elevated Railway, in reference to this order stated that "we find that to relocate the elevated column at the corner of Asticou road and Washington street would require lengthening and strengthening a cross-girder, which would require shoring up in a manner which would interfere with outbound traffic. The cost would amount to approximately \$8,000, which, of course, would be added to the deficit assessment, and for that reason we would be reluctant to make the change."

It is our opinion that traffic is not interfered with to such an extent that this cost would be justified.

Respectfully yours,

WILLIAM P. HICKEY, Commissioner.

Placed on file.

#### VETO OF DRIVEWAY OPENING.

The following was received:

City of Boston,

Office of the Mayor, December 30, 1939.

To the City Council.

Gentlemen,—I return herewith without my signature and disapproved a permit for a driveway opening at 1871 Columbus avenue. At the present time at this location there are three (3) driveway openings of sufficient width, in my opinion, to accommodate the business conducted at the location.

The Public Works Commissioner does not approve any further widenings at this location and for this reason I veto the attached permit.

Respectfully,

MAURICE J. TOBIN, Mayor.

Placed on file.

#### PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Sarah Bikofsky, for compensation for damage to car by fire engine.

Maurice F. Cavanaugh, for compensation for loss of clothing while a patient at City Hospital.

Colonial Real Estate Trust, for compensation for damage to property at Massachusetts avenue, caused by Public Works Department employees.

Bart J. Cronin, for compensation for injuries caused by an alleged defect in Tremont street.

Esther G. Croston, for compensation for damage to car by city truck.

Louis R. DeVoto *et al.*, for compensation for damage to property at 21 Unity square, caused by defective water pipe.

Austin Doherty, for compensation for loss of overcoat taken from City Hospital.

Mrs. Fillie Drinkwater, for compensation for injuries caused by fire apparatus.

Robert A. Ellis, for compensation for injuries and damage to car caused by an alleged defect in Charlestown Bridge.

Josephine M. Howe, administratrix, estate of D. Gertrude McDaniel, for compensation for damage to property at 1442 Tremont street, caused by digging by Water Department.

John C. Kelly Plumbing Company, for compensation for glass broken at 1246 Tremont street by Public Works Department.

Warren Kidd, for compensation for injuries caused by garbage truck.

Samuel A. Levine, for refund on second-hand license.

Sarah Rosenberg, for compensation for damage to property caused by an alleged defect in Euston road, Brighton.

Scott Furriers, Inc., for compensation for damage to truck by city truck.

Sidney Amusement Company, to be reimbursed for expenses incurred in repairing break in water main at 50 Scollay square.

Herbert T. Wadman, for compensation for damage to car by ash cart.

Harry B. Wilson, for compensation for damage to car by ash cart.

Committee on Ordinances.

Petition for driveway openings: Davis & O'Connor, at 272-278 Washington street, Ward 22.

#### APPROVAL OF TAX TITLE RENEWAL LOAN.

Notice was received from the Emergency Finance Board of vote passed December 22, 1939, approving passage of tax title renewal loan for City of Boston.

Placed on file.

#### REPORT OF SPECIAL COMMISSION TO DIVIDE SUFFOLK COUNTY.

A report dated December 20, 1939, was received from the Board of Special Commissioners to Divide Suffolk County into Representative Districts and to Assign Representatives Thereto.

Placed on file.

#### CONSTABLE'S BOND.

Notice was received from the Acting City Treasurer of approval of surety on constable's bond of Louis Franzosa. Approved by the Council.

#### APPOINTMENT OF JOSEPH A. CAHALAN.

Notice was received from Health Commissioner H. F. R. Watts of appointment by him of Joseph A. Cahalan, Secretary of Health Department, to act as agent of Health Department until further notice.

Placed on file.

#### MINORS' LICENSES.

Applications for minors' licenses were received from twenty-six newsboys and seven bootblacks. Licenses granted on the usual conditions.



PRICE OF MILK TO WELFARE AND  
W. P. A. FAMILIES.

Coun. SULLIVAN offered the following:

Whereas, The action taken by the Massachusetts Milk Control Board, necessitating an increase in the price of milk to welfare and W. P. A. families, is obviously far-reaching and distressing in its effect; and

Whereas, The action of the Board will deprive Boston's, and the entire Commonwealth's neediest citizens of the privilege of obtaining this vital food necessity at a price within their means; and

Whereas, It will further hamper the possibility of municipal economies, in view of the fact that the welfare allowances of a goodly portion of 60,000 needy Massachusetts families must be increased; and

Whereas, 500 men, actively employed in the Surplus Commodities Division, who will be severed from the W. P. A. pay rolls, must ultimately turn to the Public Welfare Department for aid; and

Whereas, Both the Federal Relief Agencies and private enterprises have been unable to assimilate thousands of such white-collar workers as are engaged on these projects; and

Whereas, 20,000 farmer producers will suffer by the closing of the surplus commodities market to them; therefore, be it

Resolved, That his Excellency the Governor be requested, through his Honor the Mayor, to instruct the Massachusetts Milk Control Board to reconsider and rescind its distressing order at once.

The question came on the passage of the preambles and resolution.

Coun. SULLIVAN—Mr. President, I think it is a great pity, judging from what I saw in a Boston newspaper this morning, that the Massachusetts Milk Control Board should have taken the position that it is reported to have taken, which will result in increasing the price of milk to the neediest citizens of the Commonwealth, and practically depriving them of this vital food necessity. It seems very clear that no one will benefit by the action taken by the Board. As Mr. Stalker, director of the State Division of Surplus Commodities of the State Public Welfare Department, says, if the action proposed by the Massachusetts Milk Control Board goes into effect it will of necessity seriously interfere with and prevent the present distribution of this surplus commodity to our needy citizens, amounting to 55,000 quarts a day. Many of our neediest citizens are absolutely dependent upon this furnishing to them of a vital food commodity. To raise the price in the way proposed will be absolutely inhumane. Today those on welfare can get milk at five cents a quart, but the proposed action will mean a serious increase, to perhaps eight cents a quart. We read in the Boston papers this morning that the death rate in Boston has been lowered for several years, and I believe the mortality rate for 1939 is the lowest ever recorded here. That has been particularly true in tuberculosis. I feel that this result has been especially due to the humane activities that have been in evidence in the City of Boston in the matter of food supply, and the supply of milk has been particularly important in this respect. I know of many cases that have come to my attention where our very needy citizens have been able to obtain milk for their families, and the price at which it has been put has enabled them to obtain it for three or four years. But if the price is raised, as will be the result of this action taken by the Massachusetts Milk Control Board, a large proportion of our needy people will not be able to pay the price. The supply of milk has been one of the most valuable services of the Surplus Commodities Division. Our poor people must have milk, it is one of the main necessities of life. There is only one way of obtaining it; that is, to put the price within their reach. But the fact that it is an absolute necessity must be faced. If action such as is proposed here is put into effect, it will simply mean a reduction in the available supply of one of the vital necessities of life, and as a result we are going to see an increase in welfare costs throughout the city. The proposed action of the Massachusetts Milk Control Board is going to very seriously hamper and destroy the work of the Surplus Commodities Division. It is something that seriously affects the white collar man, as well as the others. I know what the Mayor of Boston will do in regard to this matter. I know that he, as a humani-

tarian, will immediately and gladly request his Excellency the Governor to instruct the Massachusetts Milk Control Board to reconsider and rescind its distressing order at once. Of course, I know of the activities of people in the milk industry, who have been for the past few weeks over-running the State House and absolutely hampering and curtailing the welfare of the people of Massachusetts. The public has been absolutely disregarded, and is being disregarded today by the Massachusetts Milk Control Board. We must do something about it. I have every confidence in the humanitarian impulses of the Governor, as I have in the humanitarian impulses of our Mayor, and I feel that he will certainly instruct the Milk Control Board to rescind its action. I think that is certainly a present that we should receive from Beacon Hill for the New Year.

Coun. SHATTUCK—Mr. President, it appears to me that this subject is outside the jurisdiction of the City Council and, furthermore, the order as presented contains a recital of a long list of alleged facts dealing with matters not before us, and upon which we have heard no statement. We have not even asked the parties to come in and state their position before taking action. I do not think that we should adopt an important resolution based upon a long list of alleged facts concerning which we know nothing. I would, therefore, move reference of the matter to the Committee on Rules.

Coun. SULLIVAN—Mr. Chairman, this is simply a request, like hundreds of others that we have made during the year, and I do not believe the time has come when the Boston City Council cannot make a request in a matter of this kind that so deeply concerns our citizens. Certainly, we are not to be told that we cannot make a request of this kind in such a case, a matter that so deeply concerns our neediest citizens. I feel that we are here to represent the feelings of the people of Boston, and I feel, from what I have heard on the street and in gatherings of people of this city, that they are absolutely against the action that has been taken by the Massachusetts Milk Control Board. It is a matter that deeply concerns and affects our citizens, and I feel that we should at this time request the Mayor to ask his Excellency the Governor to have that order of the Massachusetts Milk Control Board rescinded.

The motion to refer to the Committee on Rules was lost.

President MURRAY—This being the last meeting of the Council of 1939, the Chair feels that the matter should be referred to the Executive Committee.

The preambles and resolution were referred to the Executive Committee.

WATER BILLS, OLD HARBOR VILLAGE.

Coun. WILSON offered the following:  
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to advise the City Council:

1. Whether all water bills for the year 1938 have been paid for water furnished Old Harbor Village and if not, what amount remains unpaid.
2. Whether all water bills for the year 1939 have been paid for water furnished Old Harbor Village and if not, what amount remains unpaid.
3. Whether water bills have been regularly rendered to the Boston Housing Authority for water furnished Old Harbor Village during each quarter in 1938 and in 1939.
4. What rate is charged for water bills to the Boston Housing Authority for water furnished Old Harbor Village.

Passed under suspension of the rule.

PAYMENT FOR COPIES OF CITY RECORD.

Coun. WILSON and KELLY offered the following:

Ordered, That the publishers of the *City Record* be requested, through his Honor the Mayor, to advise the City Council whether the money of the taxpayers was directly or indirectly used in payment for copies of Volume 31, No. 47, of the *City Record* which were distributed at the Grover Cleveland School hall on the evening of December 18, 1939, and if not, then what person or organization paid the printing bill.

Coun. WILSON—Mr. President, with reference to that order, I wish to state that at a meeting held in the Dorchester district, at the Grover Cleveland School hall on the evening of December 18, on the question of housing, there were distributed at the door hundreds of copies of that part of the *City Record* setting forth the address of Mr. Breen at the Boston Housing Authority's meeting on December 13 at the Hotel Bradford. As a result it seems to me the question asked in this order is quite properly raised,—by whose authority and at whose expense these copies of the *City Record*, in the effort to mould public opinion, were handed out to people at the door? Without rancor, but merely that it may be explained as a matter of record, I would also like to know why this mimeographed letter should have been folded in the copies of the *Record*. I will read it, paragraph by paragraph, commenting upon it as I go along:

"December 15, 1939.

Dorchester All-Together Movement,  
317 Geneva Avenue, Dorchester, Mass.

Gentlemen,—I wish to publicly thank your organization for the publicity that you, through the columns of the *Dorchester Argus*, are so generously giving to me for the grand, humane stand that I have taken to rid Boston of its thousands of cold, leaky, unsanitary, dingy pest holes, fire traps, shacks unfit in every way for human habitation, even though Councilor Robert Gardiner Wilson, chiefly because of partisan political reasons, does not agree."

In reference to that statement, I wish to say at the outset, as a matter of record, that, of course, my attitude on the question of Federal housing has not been because of any partisan viewpoint, but because of my opinion, however the purposes of the Housing Act may be expressed, that the net result has been of no benefit to the poor and destitute, for whom the housing act was supposed to be intended. The result has simply been competition with private interests, with the apparent inevitable result of ultimate bankruptcy to the City of Boston if its operations continue as they have started, finally getting in clear up to our necks. As a matter of fact, Mr. Breen referred on December 13 to 2,739 sub-standard units, principally three-family houses, which would mean the demolition of approximately nine hundred buildings, many of them brick, over the heated opposition of the owners, many of whom were residents of the buildings demolished. The second paragraph says:

"It is a vote proudly given in support of our kind humanitarian President, Franklin D. Roosevelt, our courageous, capable, businesslike and youthful Mayor of Boston, Maurice J. Tobin, and of our own loved and respected priest, whose interest is always with the children and the success of his people,—a man who believes that cleanliness, which is not possible to be had no matter how hard a discouraged mother may scold and scrub to obtain it in these hovels, is next to godliness. I refer to the pastor of St. Matthew's parish in Dorchester, the Reverend Father Thomas R. Reynolds."

I would say in response to that, that I, of course, have the highest admiration for the reverend gentleman referred to, largely because of the fact that his church is located in the ward I represent, and I have repeatedly carried the precincts in which the splendid churches out there are located. But I do feel that those reverend gentlemen and a very respectable number of their parishioners are not so strongly in favor of Federal housing as now operated in the City of Boston. I believe most of the reverend gentlemen would agree that the way the act is being carried out is disappointing, that it has not been a matter of slum clearance or in the interest of the poor of the City of Boston, but has simply resulted in the housing of self-supporting families, averaging at least \$25 a week. Then, the third paragraph:

"Were I not previously engaged, I would be present at your meeting, proudly giving my reasons more in detail for a vote that I could not conscientiously change. A vote primarily against the owners of these shelters which are not much better than broken-down hencoops or wind-blown tents, and whose selfish interest is to drive up in their luxurious cars, collect the rents, do no repairs, chase in town for abatements, and drive home to their palatial residences in Milton."

I say in response to that, that over 16 per cent of all the families who have been forced to vacate buildings in the City of Boston, which have been demolished, owned and lived in the buildings.

They have not been people who drove about in luxurious cars, but they lived in good, decent houses which, however, have been demolished. Not less than 187 living in that part of the city known as Charlestown owned buildings which were demolished, and in the great majority of cases had to move out over their strong objection. If there were any hencoops or wind-blown tents, they must have been places into which those persons who were obliged to get out had to go. Undoubtedly, some of them may have had to get into hovels or wind-blown tents, or places just as bad, because certainly few, if any of them, would be able to get into the expensive housing projects although those projects under the Housing Act were supposed to be for tenants of that kind. The fourth paragraph:

"I am no better than the people who are forced to accept these conditions, and if I can live in cleanliness and in proper sanitary conditions, which is also true of Councilor Wilson, then, by heavens, if I have any say, they, too, shall enjoy the same."

But, I repeat, the most glaring weakness in these housing projects is that the occupants of the buildings being demolished have not been and are not eligible as tenants in the projects. As a matter of fact, they have been forced to migrate to other localities and have not been eligible as tenants in the projects in the sections where the buildings have been demolished. Then, the final paragraph:

"In conclusion, let me add that the residents in and around the Fields Corner section of Ward 15 have been needlessly alarmed and I can assure them that the rumor of having their houses purchased is without foundation. Maybe this will be disappointing news to the many who would like to find a purchaser."

Let me say in reference to that closing paragraph, that if that be so, then why do employees on the pay roll of the Boston Housing Authority want the taxpayers' money to make a survey of that particular section of the Dorchester district, including my ward and Ward 15, so ably represented by Councilor Kelly? I merely put this in the record because reference is made to my name, which should please me, because, in the face of the propaganda that would mark those opposed to these housing projects as opposed to the poor. I am glad that my name is included among those who, even with the danger of being misunderstood by the public, can read between the lines of the Housing Act and see the purposes with which it is being carried out. Those of us who oppose it feel that if money is supposed to be spent for a worthy purpose it should be used for such a purpose and that in this case it should be spent for the benefit of those for whom it was intended. I have here also a letter which was sent out to every resident of Old Harbor Village, sounding the call for them to be sure to be at the meeting of the Boston Housing Authority at the Hotel Bradford on December 13, and saying that they should be there "with the highest degree of enthusiasm," and should "prevent the opponents of housing from securing the choice seats," and that "their presence in great numbers at this meeting will give deserved encouragement to the speakers." This letter was sent out and delivered to every one of the 1,016 apartments in Old Harbor Village, to pack the meeting with a one-sided applauding section. That accounted for the cheering section that did attend that meeting.

Coun. SHATTUCK—Mr. President, I would like to ask the gentleman from Dorchester if he recalls how many families from Dorchester, who were taken out from their homes, were put into this Old Harbor Village project?

Coun. WILSON—My recollection is about 300.  
Coun. SHATTUCK—I think the number from Dorchester, the largest section of the city, ran up to about 350, but the larger number came from other sections, many from the ward I represent, where I insist that there are no slums.

Coun. CHASE—Mr. President, perhaps the gentleman from Dorchester (Coun. Wilson) can enlighten me. Where are the slums in Dorchester?

Coun. WILSON—Well, I have the honor and pleasure to represent the central Dorchester ward. It covers about one and one half miles from Geneva avenue to the Neponset river, and extends from Morton street to Peabody square, and there are certainly no slums. One family moved into the project from Algonquin street, Precinct 2, which,

in my opinion, is as good a section as you will find in any district of the City of Boston, barring none.

The order was passed under suspension of the rule.

**TAXES ON YOUNG'S HOTEL PROPERTY.**

Coun. WILSON offered the following:

Ordered, That the Corporation Counsel, through his Honor the Mayor, he respectfully requested to respond to the City Council orders unanimously passed on November 13, 1939, as follows:

“Ordered, That the Corporation Counsel he requested, through his Honor the Mayor, to promptly advise the City Council:

1. The exact status of the tax title proceedings with reference to the so-called Young's Hotel property.
2. The amount of unpaid taxes, interest and costs, in detail, still outstanding against this property.”

“Ordered, That the City Collector be requested, through his Honor the Mayor, to advise the City Council the amount due the City of Boston for each tax year from the owners of the so-called Young's Hotel property, including accrued unpaid taxes, interest and costs.”

Coun. WILSON—Mr. President, I know that you and the other members of the Body will at least admit that I am very persistent, and I trust that the members of the Council who will be back next year will see to it that the information I have asked for is forthcoming. I am simply asking here that the Corporation Counsel, through the Mayor, be respectfully requested to respond to the order which was unanimously passed on November 13, requesting the Corporation Counsel, through the Mayor, to promptly advise as to the exact status of the tax title proceedings with reference to the so-called Young's Hotel property, the amount of unpaid taxes, interest and costs, in detail, still outstanding against the property, and that the City Collector advise the Council as to

the amount due the city for each tax year from the owners of the Young's Hotel property, including accrued unpaid taxes, interest and costs. I certainly would like to ascertain for what particular reason this property has been so favorably considered through the years. It has now been abandoned, and from now on there can be no alibi, the courts having moved to their palatial quarters on Pemberton square. Therefore, I hope the members who come back here next year will hear this matter in mind, as I offer these final orders to the legislative body of 1939.

The orders were passed under suspension of the rule.

**ERRONEOUS NEWSPAPER STATEMENT.**

Coun. FITZGERALD—Mr. President, I ask unanimous consent to make a statement for the purpose of the record. At the last meeting of the Council, in relation to the report of the Committee on Prisons on our semiannual inspections of the Suffolk County Jail on Charles street, an erroneous statement appeared in one of the Boston newspapers, namely, the Boston Herald, to the effect that I defended the action of former Sheriff Dowd. I wish to state that I made no such statement and do not approve of what took place under his administration if the evidence as presented by the Bar Association is correct, and I have every reason to believe that the charges will be substantiated.

**FLOODING OF RONAN PARK AND CEYLON STREET PLAYGROUNDS.**

Coun. KELLY offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to flood Ronan Park and the Ceylon Street Playground for skating purposes and to keep open the locker buildings on same so that they may be available for persons desiring to use them.

Passed under suspension of the rule.

**REPORT OF COMMITTEE ON CLAIMS.**

Coun. LANGAN, for the Committee on Claims, submitted the following report:

**ANNUAL REPORT OF THE COMMITTEE ON CLAIMS.**

Claims pending January 1, 1939.....	1,395	
Claims received during 1939.....	645	
Claims disapproved during 1939.....	328	
Claims approved during 1939.....	97	
Amount paid out on approved claims.....		\$4,283 50
Reimbursements (suits against city employees).....	45	
Amount paid out on reimbursements (suits).....		9,403 49
Reimbursements (cases against city employees, not suits).....	32	
Amount paid out on reimbursements (not suits).....		773 85
Claims returned to Committee on Claims on which Statute of Limitations had expired... ..	108	
Total amount paid out on claims during 1939.....		<u>\$14,460 84</u>
Claims pending December 31, 1939.....	1,430	

The report was accepted.

**INFORMATION FROM HOUSING AUTHORITY.**

Coun. CHASE offered the following:

Ordered, That the Boston Housing Authority be advised, through his Honor the Mayor, that the City Council is patiently awaiting an answer from the Boston Housing Authority relative to the question of architect fees already paid and agreed to be paid to architects awarded contracts by the Boston Housing Authority.

Coun. CHASE—Mr. President, recently the City Council passed an order requesting the Housing Authority to inform this Body as to architects' fees paid or about to be paid under contract, on Federal housing in Boston. I sincerely trust and hope that the Housing Authority will comply with the order of the City Council. It has been commonly told, as a matter of common knowledge, that over a million dollars up to today has been contracted for out of housing funds, for architects. I would like to know, and I know that many other members of the Council would like to know, if these reports are true and I hope that the Housing Authority will give us that information.

The order was passed under suspension of the rule.

**HOCKEY RINKS AT SAVIN HILL PLAYGROUND.**

Coun. HUTCHINSON offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to install hockey rinks at the Savin Hill Playground, Ward 13.

Passed under suspension of the rule.

**ACCEPTANCE OF NEW WOODCLIFF STREET.**

Coun. HUTCHINSON offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out New Woodcliff street, Ward 13, as a public highway, under the W. P. A. plan of construction.

Passed under suspension of the rule.

## RECESS.

On motion of Coun. ENGLERT the Council voted at 12.16 to go into executive session. The members reassembled in the Council Chamber and were called to order by President MURRAY at 1.18 p. m.

## REPORT OF EXECUTIVE COMMITTEE.

Coun. WILSON, for the Executive Committee, submitted the following:

1. Report on resolution (referred today) regarding increase of price of milk to welfare and W. P. A. families—that same ought to pass.

Report accepted; said resolve passed.

2. Report on message of Mayor and order (referred December 18) transferring \$15,000 from Reserve Fund to Boston Housing Authority—that same ought to pass.

Report accepted and the question came on the passage of the order.

Coun. WILSON—Mr. President, as a matter of record, I want to have it appear clearly what this means. We are asked to provide \$15,000, to be expended by the Boston Housing Authority, which is not a city department, to all intents and purposes not a part of the city government, and not answerable to it. On May 1 last year we passed an order appropriating to the Boston Housing Authority \$20,000. That appropriation was made on the distinct recommendation of the Mayor, based upon a letter to him from the Housing Authority, under date of February 24, 1938, stating the purpose of the desired appropriation, as a matter of record, as follows:

"This letter is to request that an appropriation of \$20,000 be made available for the Boston Housing Authority for its use during the remainder of the current year. The money will be used for the following purposes:

"1. The expenses in connection with taking over Old Harbor Village, particularly the expenses in connection with the investigation of tenant eligibility.

"2. Further study on projects already initiated.

"3. For development of new projects.

"4. General administration of the Housing Authority.

"Sums of money spent in connection with the Old Harbor Village project will be a first charge against revenues of the project, and any sum spent in that direction will be returned to the city treasury on or before December 31, 1938. It is also permissible for the Housing Authority to charge against the operation of any project a pro rata share of its own administrative expenses. Such sums of money as are collected from the projects in this manner will be reimbursed to the city treasury as they are received."

That vote was passed, as a matter of public record, following that letter, on February 28, 1938, to the tune of \$20,000, and no part of that money has ever been returned to the treasury of the city, from which it should never have been taken. We are now asked to appropriate more money in spite of the fact that that money which they promised to return has never been returned. I desire, as a matter of public record, to point out the ridiculousness of the thing, what a crazy idea it is. We were supposed to receive a service charge of \$15,000 a year from Old Harbor Village, while giving them twice as much as they were supposed to pay! When any body like the Housing Authority obtains such sums of money as that Authority has obtained from the City of Boston, on such a representation, which it has subsequently ignored, it is certainly ridiculous for this Body to pay out to them further sums of money. Even under W. P. A. specifications, the city is required to expend about 25 per cent of the amount for materials, but we have here appropriated \$20,000 and are now asked to appropriate an additional \$15,000, although there has been no return of the original amount appropriated, as promised. Why, under the circumstances, should an additional amount of \$15,000 be granted from the treasury of the City of Boston? I say that any member of the Council who votes for this \$15,000 is certainly voting with his eyes shut, so far as the interests of the taxpayers are concerned. Certainly it is not action that we

should take in the closing hours of this branch of the city government for the year 1939.

Coun. CAREY—Mr. President, I recall no instance in which the Boston City Council has previously voted to appropriate money for W. P. A. projects except in connection with city departments, and it was brought out in executive session that the Boston Housing Authority is not a city department. Therefore, we have no right, in my opinion, to vote this money. Furthermore, we were told in print today that there is no W. P. A. provision for draftsmen, architects and engineers. This appropriation is for work of a technical nature, and it seems that men or women who have that kind of employment on such a project are to be paid by the City of Boston. I want to know why they cannot have engineers, architects and draftsmen on W. P. A. Therefore, I will have to vote against the appropriation.

Coun. CHASE—Mr. President, I desire to second the remarks of the councilors from Wards 17 and 10 (Coun. Wilson and Carey). I cannot conceive of the Boston Housing Authority asking this \$15,000 for the purpose of sponsoring a W. P. A. project, and on the other hand telling the Boston City Council that they cannot encourage or sponsor on a W. P. A. project architects to be employed on Federal housing. Something obviously is radically wrong. The architects employed on Federal housing in Boston will receive over \$1,000,000 in fees. We were told originally that Federal housing would not only house the poor, but that it would put them at work and take care of the unemployed. How many of the unemployed have been engaged on Federal housing projects? What information does the Housing Authority give us in regard to the whole situation? Each and every member here is in the dark, and yet we go ahead and abide by the wishes of the Boston Housing Authority. We were elected by the people to represent the people and to ascertain the facts on every situation coming before us before giving our vote, and yet we have not obtained any facts on the architectural problem, have not obtained any information whatever to our satisfaction—at least, not to my satisfaction. I cannot subscribe to such hypocrisy. I don't see why we should "pass the buck," should grant to the Authority the \$15,000 which is to be used for a W. P. A. project, while on the other hand the Housing Authority says that they cannot employ unemployed architects, engineers or draftsmen. I certainly cannot as a reasonable man subscribe to any such thing, and I warn this Body, and inform the public, that later on a bombshell will break and many people will be injured.

Coun. NORTON—Mr. President, I am going to vote for the \$15,000, as I have voted for every order furthering Federal housing. This does not mean a looting of the treasury. The Mayor of Boston would not be a party to looting the treasury. Chairman Breen of the Housing Authority would not be a party to looting the treasury, nor would the other gentlemen making up the Housing Authority of the City of Boston. They are not looting the treasury, and you and I are not doing something wrong in voting for such an order. The gentleman has criticized the fact that the original \$20,000 was not enough. Well, while I have been in office I have seen many incorrect estimates. It is human to err. But this is an effort to carry on a humane work; no reasonable person can have any question about that. In years to come those who vote these sums for Federal housing will point with pride to the fact, and those who have opposed such humane work will not want to have their action referred to. It is not a disgrace to vote for this \$15,000; it is an honor. I can appreciate the hope that has come to many needy people living in my ward, in poor circumstances, the hope that is offered to children to be brought up under proper conditions of warmth and comfort. We have 2,200 children in Old Harbor. It is the children's paradise of New England. Johnnie Kerrigan can substantiate what I say, and I challenge anybody over there to question it. Ask the firemen, policemen and politicians living over there whether a new hope is not being offered to the people. And they are worthy and deserving families who have obtained quarters over there. If it were not so, if there was one underserving family, you can rest assured that it would mean a headline in the papers. Somebody said to me,

"Norton, there is a Boston fireman over there." "Are you sure?" "Positive." Well, I saw the record. I called upon John Breen, and he said, "We have one fireman. He does not live there, but is a fireman on the project and is getting \$30 a week." That shows how things are misrepresented. You have listened this morning to those who are constitutionally opposed to housing, the same as their forerunners were opposed to the hospital in 1860, just as they have opposed other great undertakings in the interest of the people. It was the attitude of the banks when the Federal Reserve Act went into effect. They said that the banks of America would be ruined. It was the same people who opposed the S. E. C., which remedied a situation where one man could upset the economic life by "rigging" the market. Still they said when the S. E. C. was proposed, "If you try to impose such restraints on us, you will ruin us." Such bankers, opponents of the City Hospital, opponents of other undertakings in the interests of the people have since admitted that they were wrong. I assure you gentlemen today that if you vote for this and for similar orders looking to the benefit of the people you will be proud of your vote in twenty years, and if you vote against such commendable action you will be ashamed of having opposed it.

Coun. SHATTUCK—Mr. President, in connection with the last appropriation of this kind that was made for the Housing Board, certain representations were given that were not fulfilled. The Board has not made good on those representations made when the \$20,000 was asked for and voted in 1939. The money was to be returned to the city treasury, and it was not returned. We have had no accounting of that money, and until we receive an accounting of the money we have already appropriated I am totally unwilling to make another appropriation.

Coun. SULLIVAN—Mr. President, on its merits I have always favored Federal housing. When we are to have an expenditure of \$50,000,000 for housing, of course there must be a reasonable amount for maintenance. Therefore, I shall vote for this \$15,000 today. However, I am in somewhat of a dilemma, because under an appropriation of this kind, sponsored by W. P. A., 25 per cent must be furnished by the city for materials. So, having in mind the legislation, I cannot quite see how we can get around that.

Coun. AGNEW moved the previous question. The main question was ordered, and the order was passed, yeas 15, nays 6:

Yeas—Coun. Agnew, Englert, Fish, Fitzgerald, Galvin, Harris, Hutchinson, Irwin, Kerrigan, Langan, McMahon, Murray, Norton, Rosenberg, Sullivan—15.

Nays—Coun. Carey, Chase, Kelly, Lyons, Shattuck, Wilson—6.

3. Report on petitions for payment of annuities as follows:

The Executive Committee respectfully report that no further action is necessary on the following petitions for the payment of annuities on account of the deaths of members of the Police and Fire Departments, viz.:

Margaret Farley, referred December 31, 1937.  
 Mary A. Sreenan, referred January 10, 1938.  
 Alice M. Ralph, referred January 31, 1938.  
 Rose E. McCarthy, referred June 20, 1938.  
 Lulu F. Boucher, referred June 27, 1938.  
 Mrs. George E. Schiedel, referred June 27, 1938.  
 Edith M. Donnelly, referred August 8, 1938.  
 Mary M. Phelan, referred July 18, 1938.  
 Madeleine A. Groves, referred August 29, 1938.  
 Mary A. Kelley, referred September 12, 1938.  
 Helen M. Gormley, referred December 5, 1938.  
 Mary W. Boudreau, referred April 24, 1939.  
 Josephine L. Killian, referred April 24, 1939.  
 Theresa McLaughlin, referred May 15, 1939.  
 Marion E. Twigg, referred June 26, 1939.  
 Helen A. Shugue, referred July 24, 1939.

On such petitions the statute requires the approval of the medical board, appointed thereunder, as a condition precedent before affirmative action by the City Council. In the cases listed the medical board has disapproved the petitions and further action by the City Council would be of no effect.

Accordingly, the committee makes this report for the purpose of completing the record, it being understood that the action recommended does not debar or prejudice the petitioners if their cases warrant further consideration.

The report was accepted.

## REPORT OF COMMITTEE ON ORDINANCES.

Coun. SULLIVAN, for the Committee on Ordinances, submitted the following:

1. Report on message of Mayor (referred December 4) amending ordinance relative to distribution of handbills, etc.—that same ought not to pass, without prejudice.

The report was accepted and the ordinance rejected without prejudice.

2. Report on petition (referred today) of Davis & O'Connor Company for driveway opening at 272-278 Washington street, Ward 22—recommending that same be granted.

Report accepted; permit granted under usual conditions.

## REFERENCE OF UNFINISHED BUSINESS.

Coun. ENGLERT offered the following:

Ordered, That all matters of business unfinished in their nature before committees of this City Council be referred to the City Council of 1940.

The order was passed under suspension of the rule.

## PROTEST ON ELIMINATION OF LOW-PRICE MILK.

Coun. NORTON offered the following:

Ordered, That the Mayor of Boston consider the advisability of organizing a committee of welfare and charitable bureau officials who appreciate what low-cost milk means to Boston, to immediately protest to the Milk Control Board relative to the proposed elimination of low-cost milk.

Coun. NORTON—Mr. President, this order merely asks the Mayor, if possible, to appoint a committee of this kind. I was a leader in the fight for low-cost milk in Boston for four long years. Some of those opposing it thought that it smacked of paternalism. But certainly with 100,000 walking the streets it was clearly our duty to do what we could to relieve their distress. When people are hungry and are denied pure milk, the most valuable food, to my mind it is a catastrophe. Something should be done. There must be a way. Nothing is more important than this problem of milk.

The order was passed under suspension of the rule.

## FINAL PROCEEDINGS.

Coun. KERRIGAN offered the following:

Resolved, That the thanks and appreciation of the members of the City Council be extended to Coun. George A. Murray for the courtesy, the dignity and impartiality with which he has presided over the meetings of this Body during the present municipal year.

The resolution was read a second time, and the question came on its passage.

Coun. KERRIGAN—Mr. President, in introducing that resolution, I know that I express the sentiments of the whole Body in thanking you, Mr. President, for the admirable manner in which you have conducted yourself during the past year in the office of President of this Body. I move that when the vote is taken it be a rising vote.

Coun. AGNEW—Mr. President and members of the Council, I would like to say just a few words at this final meeting of the Council of the year 1939. It marks the conclusion of my service after six continuous years as a member of this Body. I was allowed to perform that service through the graciousness of the people of my district. Six years ago they elected me to this Body as their representative in the city government. I have tried during that period to give to the people of my district what, in my opinion, they expected from me, sincerity of purpose and conscientiousness in my acts as a member. I feel that I have given to my constituents faithful and sincere service, and I would feel that my term in this Body would not be happily concluded if I did not make these few remarks for the record, expressing in my humble words my feeling of appreciation not only to the people of my district, who have thus honored me, but to those with whom I have become acquainted and whose friendship I have formed during my term of office. There is much in my heart that I will not forget,

even after I return to private life among the people of Ward 21, and I will merely add that, although elected from one particular district of Boston, I have never lost sight of the fact that I was here in the interests of all the citizens of this city. In all my acts I have tried to show the citizens that I had their welfare at heart, in dealing with matters in which they were interested. At times I have been antagonistic to certain matters that came before the Council, but in doing so I felt in my heart that my action was in the interest of all the people, and I acted accordingly. At the close of my service in the City Council I would be remiss if I did not take the opportunity to extend my thanks and appreciation to those who have helped make my service in the Body a success. The heads of the city departments have been most kind and generous to me, so far as my district is concerned. The Mayor of Boston, whom I have consulted upon various matters, has been most kind and eharritable to me. To the attachés of the Body I express my profound and sincere thanks for their kindness and their generosity. I wish particularly to express my appreciation to our City Clerk and his assistant. Both of you gentlemen deserve thanks from me for the great assistance you have given me. Upon my entrance to the Body I was advised that it would be well for me to consult with either of you gentlemen if I wished to be properly guided in my action. I have never lost sight of that advice and have continually followed it. Throughout my six years I have continually availed myself of the services of the City Messenger, the Clerk of Committees and their assistants, and the wisdom and friendliness of all the attachés has guided me in channels that led to the welfare of the people of my district. I leave the Body with a feeling of friendship in my heart that will survive through the years, with memories I can never forget, and with a feeling, however successful my efforts have been, that I have tried to serve the people of my district well and to serve my city well.

Coun. WILSON—Mr. President, in this the closing hour of my twelve years of service in the City Council, I would like to say just a few words. There are two men in this room today—the battle-scarred and exceedingly able veteran from Ward 3 (Coun. Fitzgerald), who has served with such great credit to the City of Boston, and my quiet and amiable friend, Councilor Englert, from the Jamaica Plain district—who were with me in this Body when I came here on the first Monday in January, 1926, fourteen years ago. I am glad to say that at least three of those original twenty-two are in this room today. We three especially have seen many changes in the Council and in the government of the City of Boston, serving, as we have, under four successive Mayors. Looking back over the years, I remember Tim Donovan, from East Boston, Dick Gleason, from Roxbury, Peter Murray of Ward 19, Johnnie Heffernan of Ward 22, and "Snappy" Sullivan from the Dorchester district, all of whom are not only no longer with us but have passed on to a better land. So I have sadly in mind the passing of those five during the time of my membership in the Body, for twelve or fourteen years is a long time in the life of any man. Personally, I also have the gratification of seeing here today, and perhaps introducing to the other members of the Body, my father and mother, who were in the room fourteen years ago next Monday, my good wife, and my seven-year-old son, who will perhaps thereby be helped later on in making a decision as to whether he will or will not keep out of politics. In line with what Councilor Agnew has said, I, too, wish to express my gratitude to the attachés who have been so kind and helpful to us through the years. I have in mind lovable Johnnie Baldwin, whom I particularly remember on each seventeenth of March,—probably as lovable a character as we have had in City Hall during our service. Also, with the grace of God, I trust that there may be preserved to the city for years the services of so many of our able department heads,—men of the type of Park Commissioner Long and Division Engineer Morrissey, men of a type who would be a credit to the community in either public or private life. I wish also to add a personal note of appreciation of the City Clerk and his assistant whose advice I have frequently followed, and perhaps if I had followed it more frequently through the years I would have done better. I want to thank the great majority of the city employees, who I trust realize how fortunate they are in being

in the public service in these hard times. They have all shown me every courtesy and kindness through the years, and I greet them as my friends. I wish also to express my deep appreciation to the representatives of the newspapers of Boston, not because the retiring councilor from Ward 17 is a publicity hound, in plain terms, but because as members of the Council we are deprived of almost all affirmative powers, have not the right to pass anything over the Mayor's veto, and were it not for the boys of the press at City Hall it would be impossible for any member of the City Council in these past years, who desired any reform, to make his presence felt beyond these doors. It has simply been newspaper publicity that has allowed us to have the causes in which we were interested carried outside of these doors to the people, and in that way focus public attention on any important issue. I say for that reason, with the present City Council in its present condition and with the charter of the city as it is, our most vital allies are the Boston newspapermen. As I retire here, I want to express my appreciation to the residents of that great district who have been so generous to me and so patient with me in the past fourteen years, and who have made possible a public service that, I trust, has been of some use and value to the City of Boston. I wish to thank them, first, for the opportunity they gave me to render that service and, second, for the opportunity they gave me to form and cement friendships that I believe are worth-while and which are the finest possessions which a man's memory can keep. I know that all the members of the Council, sitting in this Council Chamber for the last time today, will agree with me when I say:

"Life is sweet just because of the friends we have made,  
And the things which in common we share;  
And we want to live on, not because of ourselves,  
But because of the people who care;  
It's giving, and doing for somebody else;  
On that, all of life's splendor depends;  
And the joy of this world, when you've summed it all up,  
Is found in the making of friends."

Coun. ROSENBERG—Mr. President and members of the Council, today marks four years of my service in the Boston City Council, and as I look back over the four years I have many pleasant memories. On entering this building I was presented to three gracious gentlemen. One has gone to his reward, the late lamented Johnnie Baldwin. The other two were our genial and venerable City Clerk, Wilfred Doyle, and that philosopher and gentleman, City Messenger Leary. They welcomed me into the city government, and during the years of my service I have attempted to follow the advice that these men gave me at that time. I am also reminded of a little poem, entitled "Make Life Better."

"This world is very fair to see,  
Loaned for awhile to you and me,  
And we must live from day to day  
To make life better for our stay.

With busy brain and happy heart  
Let us go forth and do our part,  
To lift upon life's load of care  
And carry sunshine everywhere.

For there are souls bowed down in grief  
To whom we can bring sweet relief,  
The helping hand and words of cheer  
Will prove to them a friend is near.

What greater pleasure can we know  
Than helping other souls to grow?  
It is in life a gracious gift—  
So let us labor—love and lift."

During my service in the Boston City Council I have attempted, in so far as it has been humanly possible, to give to the constituency of the district I have represented the best there was in me, for the welfare of the people of the district and to the citizens of Boston as a whole. I am grateful to the residents of my community for having given me the opportunity to serve four years, under two Mayors, former Mayor Mansfield, and our present chief executive, Maurice J. Tobin, an experience that cannot be valued in money but that will live

in my mind, and that has made me understand the life problems of our citizens and the work of our city. Also, and not least, are the friendships and the associations that I have formed, that will be lasting. I feel that we have gone through during the past four years perhaps the most critical period in the history of economic conditions in this country. The members of the Council in the past four years have been called to great tasks. We have been confronted with the troubles of a large number of the citizenry in our districts, seeking our advice and our help. Personally, I feel that I have tried to do everything humanly possible to meet difficulties that have confronted us and to make this city a good place to live in. In considering the friendships formed in a Body such as this, I cannot let a moment go by without mentioning the able councilor from Ward 18, Clem Norton, who disregarded party politics two years ago, coming into my district and assisting me in my campaign. Clem voluntarily came and did his bit. He made the statement then, as he has made it quite often, "I am doing a most unorthodox thing." He has been doing the unorthodox things all his life. He has a kindly soul, not only for the people of his community, but those throughout the city, always working to bring about better conditions and trying to overcome the handicaps of the times we are living through. I want to state to you, Clem, that I appreciate from the bottom of my heart what you did for me two years ago. I shall always appreciate your cooperation and friendship. And sitting next to the councilor from Ward 18 (Coun. Norton) is that able, sterling statesman, Gardiner Wilson. They are two men with opposite points of view, but both sincere in their endeavors to accomplish what is best for our citizens, perhaps two of the greatest leaders in our city today. Gardiner Wilson also came and spoke unsolicited in my behalf, and I want to state on the floor of the Council that I appreciate his kindly services and want him to remember that, as I go through life, as a public officer or a humble citizen, if there is anything I can do which will be of service to him, I shall be only too glad to assist him, as I am sure other members of the Body will be. During the last four years I have served under three Presidents of the Boston City Council. The first was that great leader from Ward 3, John I. Fitzgerald, a kindly, quiet, unassuming representative of the people, but if there is anyone who can sound the pulse and sentiment of the citizenry of Boston it is John I. Fitzgerald. That ability was born in him, and he served as President of the Body with the greatest impartiality and ability. He is now leaving the service of this city, and our best wishes go with him. Following him came that lovable, kindly son of South Boston, Johnnie Kerrigan, whom all the members of the Council have learned to love and respect. He has not had much to say at times, but what he has said has always shown his kindness and his good heart. Today we bid farewell to our President, George Murray, to whom a well deserved tribute of the members of the Council is being paid. He has been fair and impartial. I feel that the members who have served for the last four years have been fortunate in having such fine men as Presidents, men who have been a credit to the City of Boston and who have brought respect and honor to the city. In looking about the Council, I see a number of members who should be given special commendation for their services in this Body and to our city. Such a one is Henry L. Shattuck, the councilor from the Back Bay, who has given such earnest, sincere, able and devoted service. He has gained the respect not only of the citizenry of Boston but of the Commonwealth. His service has been truly independent and conscientious. I trust that Henry Shattuck will continue to serve in this Boston City Council for many years to come, because we need men of his type, men of courage, balance, power, men who cannot be swayed by oratory but only by reasoning and sound principles of honest government. None but the highest respect should be bestowed upon him. I know that other members of the Council have been very gracious and friendly toward me during my service in the Body. Never during my four years of such service have I uttered an unkind word against any of the members of the Council, because I have regarded each and every member as a sincere and devoted friend, ready to do anything at any time to assist any member of the Council when he needed aid. I am grateful

to the press, who have been so fair and impartial in recording the events that have transpired in the City Council. The representatives of the Boston daily press have surely maintained their reputation for being truly public-spirited citizens, representing a democratic press. The attachés of the Council have given great aid to each and every member, and particularly am I grateful for their help and assistance in everything that confronted me in working for that large district that I have represented, Ward 14. We have had a great many problems that have befallen us, but we have always managed to meet the stormy conditions that arose. We have with us the modest Commissioner of Fisheries, always with his quiet, friendly way (Coun. Agnew). He has been a good representative of the people of his district, and it is encouraging to find men of his type going to greater and loftier positions. I would like to say a kindly word to each and every member. My colleagues from the Dorchester district have been very kind. I feel that I owe a word of credit and appreciation to the citizens of my district who gave me the opportunity to serve the past four years as their representative. I have endeavored to obtain everything possible for the best interests of the citizens of Boston. I trust that, as the years go on, the members of the Massachusetts Legislature may perhaps enact legislation which will make individuals and persons, not only in Boston but throughout the Commonwealth, think twice before they publish any libelous literature against any candidate for public office in this Commonwealth. I certainly trust that such legislation will be enacted and that such offenders will not dare to stoop to the tricks that are so common in the present era. I feel that the future should hold in store greater happiness and joy for all the members of this Council, and that is certainly my most sincere wish. I look back upon the past four years as the greatest experience in my life. I go forth with respect, love and admiration for everyone connected in any official capacity with City Hall, and I hope for all connected with the Boston City Council, for the department heads of the city with whom I have come in contact and have learned to love and revere, that in the New Year and in all their future lives they may have the blessings of Almighty God, and peace and happiness.

Coun. IRWIN—Mr. President, although I have been a member of the Body for a period of only two years, it would be impossible for me to depart without saying that I am leaving the City Council with a feeling of regret. That feeling, however, is tempered with happiness because of the memories of my associations and friendships. There which will endure for the rest of my life. The recollections of my associations with my colleagues will always remain dear to me. I wish also to thank our City Clerk and Johnnie Hynes and all the attachés of the Body for the kindness and courtesy they have extended to me at all times. I wish to thank the Mayor for the many things he has brought to my district during my service in the Council and particularly recently for the reopening of the East Boston Relief Station. Naturally, with a great feeling of regret I saw the hospital closed, but it is now reopened, and that reopening gives to me a great feeling of satisfaction. I am extremely grateful to the trustees and to the Mayor for the humane act. In closing, I wish to each and every one of my colleagues success and happiness, from the bottom of my heart, in whatever they may undertake in later life.

Coun. FITZGERALD—Mr. President, I realize that the hour is late, but I would like to say just a few words on leaving this Body. In retiring, I naturally have my regrets but I have the recollection of happy moments as well. When I entered the Body there were with me only two of the members who are here today, the able councilor from Ward 17 (Coun. Wilson) and Councilor Engler from Ward 11. The Council has changed a great deal since I came here. The first years were marked with many harsh debates and personalities that, I am glad to say, have died down. Naturally, I was a stormy petrel and took a somewhat vigorous stand on one side against some of the distinguished councilors from other sections on the other. There were two factions here, and as a result there were bitter debates and personalities, and the atmosphere here at times was not too pleasant. I have, however, enjoyed my service here and regret leaving because along with the bitter side there are happy memories behind me. I also wish to thank the attachés of the Body,—our

City Clerk and his assistant, the City Messenger and his assistants, the Clerk of Committees Department, for all the courtesies that have been extended to me. My connection with City Hall extends back farther than that of any other member of the Body, even to the time when, eight years of age, I carried newspapers to different departments in the Hall and made contacts with Mr. Doyle, our City Clerk, Mr. Leary, our City Messenger, and others. At that time I began a friendship, which has since been continued and extended, with department heads and others who have been active in the civic life of Boston. I know that there is one member of this Body (Coun. Wilson) who, I believe, is destined for great future honors in this city and state. I feel that he will have a brilliant future if he follows along the line that he has been pursuing. As for my own defeat, one with whom I had worked and whom I trusted, struck hands with my political enemies and compassed my defeat. He left me and joined hands with others. I told him when he did so that he had given me the kiss of death, and probably will do so to others before he is through. I simply want to add a friendly word for one of our members who is going higher, and who well deserves any honor that may be conferred upon him. I refer to the honorable Senator from South Boston, Councilor Kerrigan.

Coun. KERRIGAN—Mr. President, as my career in this Body is coming to an end, I want first to extend my thanks to the people who made it possible for me to serve here among you. I feel indebted to my constituents, and any accomplishment of mine in this Body was simply intended to bring to them and to the people of this city generally what they deserved. I appreciate, and always will appreciate, the honor they have bestowed upon me. I have tried individually to grant their every proper request, trying always to do what could be done for my ward and for the entire city. I want to take this opportunity to thank each and every member of the Body for the cooperation and help they have given me during my six years in this Body. Politics is a funny game, but a good game. I shall never forget the friendships I have made here. I would like to go along the line and extend to each and every one of you the hand of friendship this afternoon. To you, Mr. President, serving here with me from South Boston and coming from an adjoining ward, I wish to say that I appreciate your courtesy, your team work, your integrity and honor, on every occasion where it was possible for us to do anything for our district. You certainly did everything that possibly could be done, and where I needed help you have given it to me. I shall always appreciate the many acts of kindness you have shown to me. As I have said, I would like to go along the line, but time is pressing. There is one good friend sitting by to whom I feel greatly indebted and for whom I have a keen feeling of friendship that will endure the rest of my life because of his kindness to me. Unsolicited, he did everything he could for me. I refer to my good friend Henry L. Shattuck. I want also at this time to thank Wilfred Doyle for what he has done for me. Wherever possible, I have followed his instructions. He is a gentleman and a student of municipal government, and that goes for his assistant, Johnnie Hynes, a man I first met when I came to this Body to serve among you. He is a fine fellow, one of the finest. I also look at Ned Leary, one of the old guard from South Boston, Bill Walsh and our genial Clerk of Committees, Roy Green, to my mind one of the grandest fellows God ever created. In closing, I wish to extend my thanks and feeling of appreciation to all the attachés, who have made it possible for me and for the other members to render our duty to our constituents in this great city in a fitting manner. I appreciate the action of the members of the Body in the past in making me President, and enabling me to act at times as Mayor of this great city. I appreciate your kindnesses, and I close wishing you the greatest happiness in the world, a happy New Year and every success in the future.

Coun. McMAHON—Mr. President, I wish on this occasion, as I am leaving the Body, to indorse the remarks of all the previous speakers and perhaps thereby convey to you the respect I have for the members, each and every one. Just an additional word, and I am through. Some of the members have indicated that they are leaving the public service. I trust that the people of this city will not lose the benefit of their services in one

way or another in the future. I have particularly in mind John I. Fitzgerald, John Kerrigan, Gardiner Wilson, Clem Norton, Jimmie Agnew, valuable men, experienced in public affairs, and who know how to render good public service. Like soldiers on the battlefield, I feel sure that they will be called back some day to continue to render public service in one form or another. As for myself, may I take this opportunity to send a verbal message to the voters of my district who stood behind me in every contest I ever made, and who stood behind me in my last contest, but because I was fighting money, because I was fighting power and because I was fighting certain underground interests in this city, I was defeated. But I am coming back, whether in 1942 or not I don't know. I am not counted out, by a long shot, and I will be back to fight those same interests that fought me. I will say, however, that I would rather have my arm severed from my body than to be the emissary of the whiskey ring over this country that would corrupt girls or boys fifteen years of age. Because I fought certain of those interests I was defeated. But I am coming back. In the short time I have been here I have learned to respect those men whose duty it is to carry on the functions of the Body. I pay personal tribute to Wilfred Doyle, our City Clerk, and to John Hynes, his assistant, to City Messenger Leary, to the reporters, to our able stenographer, and to Mr. Walsh and others, wishing for each and every one of you a very happy New Year. I trust that in 1940 those who are to carry on will do so in the same spirit with which we have always acted here, having the best interests of the City of Boston at heart.

Coun. HARRIS—Mr. President, being the only woman councilor in a membership of twenty-two is indeed a distinguished honor, and for that honor given to me by my constituents I shall always be grateful. I have found my colleagues to be the grandest gentlemen, and I am thankful to them for all the courtesies that have been extended to me. I wish them all success in their undertakings.

Coun. NORTON—Mr. President, I simply wish to indorse everything that has been said here today. This is my last year in the city government. For the last ten years I have served in this Body, and it seems now almost like a dream. Life travels as speedily as the wind. Public life for all of us is brief. I hope that I can take defeat when it comes, as it must come in the course of time, in the same spirit that many of you, my colleagues, have taken it. I want to thank my fellow members for their kindness through the years. I want to thank the attachés of the Council for their assistance. I wish also to extend to the representatives of the newspapers my thanks and appreciation of their kindness to me at all times. In leaving this Body and all the good friends I have made here, I feel very lonely. Departing from the friends I see around me here I feel like Tom Moore, that great Irish poet, when he said:

"I feel like one  
Who treads alone  
Some banquet hall deserted,  
Whose lights are fled,  
Whose garlands dead,  
And all his hut departed."

He was an emotional Irishman, but emotion affects most of us upon occasion and at this time, when we are about to say "Goodby," a tide of emotion sweeps over me. Here I am sitting alongside of my colleague from Dorchester (Coun. Wilson), with whom I have spent so many years. We are as far apart in our philosophy as the poles, but I believe we both understand and appreciate each other. It has given me great pleasure to sit here alongside of you, a cultivated and able man. We differ, but we are still friends. I want to thank you, Sidney (Coun. Rosenberg), for what you have meant to me. We must realize, we who have been in public life for any length of time, the importance of fighting not over personalities, not over little details, but only issues. We are dealing in this Council with the most wonderful thing in the world, human life, and working here together for human betterment we obtain a broader outlook on what life means. I want, too, to thank the Mayor of Boston. He has been the finest Mayor I ever served with, a Mayor representing the youthful generation. I am proud of him. If he goes further, all I ask is to



be the tail on his kite. Somebody said that Clem Norton was a candidate for Mayor. No, I am not ambitious. If I can only stay where I am, trying to do something for the good of the community in my humble way, I am satisfied. Run against that young man down there? No, I couldn't lick him, anyway! (Laughter.) You know, as well as I, the human behavioristic character of those in the political game. But we are in it today and tomorrow it is over. The fun is now. And we are much luckier than some, and let us be thankful for the good fortune we have. When I have seen people under the age of forty, hardworking, able people, with cancer, when I saw a young man of thirty-six at Deer Island with cancer, I said to myself, "Norton, how lucky a fellow you are!" I have good health, I can enjoy a nice meal today, while others better than I go without. But today, gentlemen, it is hard to say "Goodby." I recently read a Chinese poem of the fourteenth century, and I think this is a very appropriate time to repeat it:

"There is a word bejeweled with bright tears,  
The saddest word fond lips have ever spoken,  
A little word that breaks the chain of years.

The memories it crystals cannot die,  
'Tis known in every land, on every ocean,  
'Tis called 'Goodbye'."

That is a word that will never die in any land.  
Goodby!

President MURRAY—Fellow members and friends, before the Council adjourns, the Chair would like to say that he appreciates the splendid gesture you have made here today, honoring my service in the past year. I have attempted to conduct the business of the Chair with impartiality and fairness, treating each member of the Body as I would have liked to have been treated had I been sitting in your places. Your election of me

as President has been a distinct honor for me and for the district I have the honor to represent. I certainly appreciate the action of my colleagues in selecting me to preside over our meetings. I have made many, many friends as a member of the Body, friends whom I shall always cherish and hold dear. I shall miss your company in the City Council. I shall miss the association I have enjoyed during the past four years. I shall miss being constantly with my colleague from South Boston, John Kerrigan. I have known John since the time when we both went to high school together and in the four years I have been here we have cooperated on every measure that we thought was for the good of our district and for the good of the City of Boston as a whole. I shall miss Clem Norton, and I shall miss the wisdom of Bob Wilson. I shall miss my talks with that great statesman from Ward 21, Jim Agnew. I shall miss my association with the various attachés. But, as our friend Clem Norton has said, political life at best is short. Somebody else has to take our place. Our government is founded on the principle of rotation in office. It has to be so, if progress is to continue. I shall miss the talks with Will Doyle and with John Hynes, when I have asked their advice on different matters. The days I have spent here have been the happiest days of my life. I do not intend to seek the office of City Councilor again, but I do wish for my successor the same splendid cooperation and assistance that I have enjoyed and I wish to thank each of you for the kindness with which you have treated me in the past year, and in my whole membership in the Body. I wish you, one and all, success and prosperity, and a very happy New Year. (Applause.)

The resolution was passed by a unanimous rising vote.

Adjourned *sine die* at 2.30 p. m.









